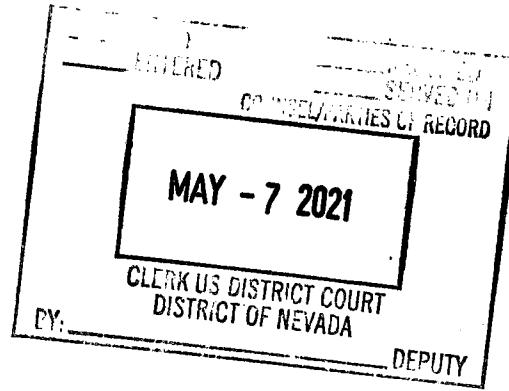


Mr. Anthony Kenneth Anderson
 Name
SOUTHERN DESERT C.T.N. P.O. Box 208
INDIAN SPRINGS NV. 89070
1082999
 Prison Number



UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

Anthony Kenneth Anderson, Plaintiff

vs.

STATE OF NEVADA, Department,
of Corrections: Dir. James DuBENDA et al,
(Said) DR Healthy Landry et al,
Warden Jerry Howell et al, Southern
Desert executive staff, S.O.C.C,
MEDICAL Department et al, Defendant(s).

Case No. 2:21-cv-00514-APG-EJy
 (Supplied by Clerk of Court)

CIVIL RIGHTS COMPLAINT

PURSUANT TO

42 U.S.C. § 1983

AMENDED COMPLAINT

N.R.S. 41.0322. Torts Action showing
Imminent Danger under Americans with
Disabilities Act 42 USC §§ 12101-12113 ADA
AK 658 Title II Pursuant to USC
1983 : AMENDED COMPLAINT

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, ANTHONY KENNETH ANDERSON,
 (print plaintiff's name)

who presently resides at SOUTHERN DESERT C.T.N., were violated by
STATE EMPLOYEE'S ACTING UNDER COLOR OF LAW
 the actions of the below-named individuals that were directed against Plaintiff at

SOUTHERN DESERT C.T.N., Indian Springs on the following dates:
 (institution/city where violation occurred) From "October 18 2013 until Present Date"

A.D.A. Fraud "MEO" malpractice and Improper Calculation of TIME, A.D.A.
 (Claim 1) (Claim 2) (Claim 3)

Covid-19 Deliberate EXPOSURE
 (Claim 4)

2:21-cv-00514-APG-EJY

UNITED STATES DISTRICT
COURT DISTRICT OF NEVADAAnthony Kenneth Anderson
Plaintiff

vs

STATE OF NEVADA, Nevada

Department of Corrections

Director, James Dzundza et al

Warden, Jerry Howell et al

Dr Henry Lansky et al

Medical Dept S.D.C.C. et al

Charge Nurse, Sonya Corrito

Medical Director, Catrina

Medical Director, Maria Tranas

CCS II Carl Sutterly

CCS I L. Anderson

CCS II M. Chubbell

CCS III Kimberly McCoy et al

3 Gutierrez et al

Grievance Coordinator

M. Mirev et al

Grievance Coordinator

et al

Defendants

Case # 2:21-cv-00514-APG-EJY
AMENDED COMPLAINTNRS. 41.0322 TORT ACTION SHOWING
Inherent DANGER UNDER AMERICANS WITH
Disabilitys Act 42. USC 12101-12213 A.D.A
Act 658 Pursuant To 42. USC 1983
Fraud, Against A.D.A Mandated LawAct 658 Title. II Class OF ONE
Bigs Pre-JUDICE acts OF Deliberate
INDIFFERENCE, WITH Deceptive Practice
MEDICAL Mal-Practice Causing unrepair
able, Damage. Deliberate INDIFFERENCE
TO COVID 19 Virus Protocol Causing
EXPOSURE TO COVID 19. (iied)(Nied)
Violations: Civil RIGHTS COMPLAINT
Pursuant, To 42 U.S.C 1983

The following Defendants where ACTING UNDER THE COLOR OF law. AND AT ALL TIMES Relevant AND Relevant at ALL TIMES WHERE TWO ARE THE EMPLOYEES OF THE State of NEVADA Department of Corrections ACTING UNDER COLOR OF law CONTROLS AND ENFORCES State AND Federal Laws

#2 Defendant Director of Prisons: Jayes Dzubenda
Resides at unknown. This Defendant is Sued
IN HIS Individual OFFICIAL Capacity

#3 Defendant Warden of Southern Desert C.I.N.
JENNY HOWELL Resides at unknown This Defendant
IS SUED IN HIS Individual OFFICIAL Capacity
UNDER THE COLOR OF law NEVER TRAINED HIS STAFF
CORRECTLY NOR OFFERED ANY A.D.A Relief as stated
IN AIR 1058 Title II in entirety

#4 Defendant Employee of S.D.C.C.: Said Doctor
HENRY LANDSEYAN Resides at unknown This
Defendant is Sued IN HIS Individual OFFICIAL Capacity UNDER THE COLOR OF law Committed
FRAUD AND DISBURGMENT Pretending To Be
Legal Doctor Causing Plaintiff unRepairable Reproductive
ORGAN Damage Plaintiff Didn't Have Before The
Medical Malpractice

#5 Defendant Charge Nurse Sonya Cabillo Employed as Charge Nurse for S.D.C.C. Medical Dept Resides at unknown. This Defendant is Sued in HER ✓ Individual ✓ Official Capacity UNDER The Color of law created a Make-Shift A.D.A. Form on 9-11-2019, AFTER Plaintiff was Declared 100% Disable By Henry Lansyan under Color of law Sonya Cabillo NEVER Forwarded The Said A.D.A Form To The proper A.D.A Coordinator as NL 658 05 and subsection #1 (A)(B)(C)(D) require

#6 Defendant Medical Director Yousro Traouas AND The current Medical Director for S.D.C.C. N.D.O.C. Resides at unknown. These Defendants are Sued IN THEIR ✓ Individual ✓ Official Capacity for Fraud on A.D.A. Mandate Fraud on The People of The State AND Federal Government Traouas Traouas Signed a fraudulent Act into Effect on 6-12-18 and The current Medical Director Never Expose's Fraud or Deceptive Practice Committed By N.D.O.C. Medical Department UNDER Color of law, Committed Fraud on Plaintiff.

#7 Defendant CCSI: L. ANDERSON Case worker for N.D.O.C as a Case worker for Plaintiff This Defendant is Sued in HER ✓ Individual ✓ Official Capacity for Fraud on A.D.A. Mandate AND Failed to Report her Employer to Federal Authorities concerning Fraud on Plaintiff [No A.D.A staff protocol]

#8 Defendant CCSII MR Crumbwell. Employed as Case worker CCSII for N.D.O.C. S.D.C.C., Besides UNKNOWN This Defendant is SUED IN HIS ✓ INDIVIDUAL AND OFFICAL CAPACITY ✓ FOR FRAUD UNCONSTITUTIONALLY AIDS N.DOC IN REMOVAL OF WORK DAY 72 Days a year FOR NOT WORKING WHEN PLAINTIFF ADDRESSED MR CRUMBWELL INFORMING HIM THAT SINCE 2017 N.D.O.C. S.D.C.C. MEDICAL DEPARTMENT WONT ALLOW PLAINTIFF TO WORK DUE TO HIS ILLNESS "CRUMBWELL" STATES NOT HIS PROBLEM YOU DONT WORK YOU LOSS DAY'S, UNDER COLOR OF LAW

#9 Defendant CCSIII Kimberly McCoy: Employed as Case worker supervisor for N.D.O.C. S.D.C.C. Besides UNKNOWN This Defendant is SUED IN HER ✓ INDIVIDUAL AND OFFICAL CAPACITY ✓ FOR FRAUD UNCONSTITUTIONALLY AIDS N.DOC IN REMOVING 72 WORK Days a year FOR NOT WORKING WHEN PLAINTIFF ADDRESSED MS MC COY INFORMING HER THAT SINCE 2017 N.D.O.C. S.D.C.C. MEDICAL DEPARTMENT WONT ALLOW PLAINTIFF TO WORK DUE TO HIS ILLNESS "MC COY" STATES NOT HER PROBLEM YOU DONT WORK YOU LOSS DAY'S, UNDER COLOR OF LAW

#10 Defendant CCSII Carl Sutterly Employed as Case worker for N.D.O.C. S.D.C.C. UNIT 12 FOR YEAR'S OF 2017/2018. Besides UNKNOWN This Defendant is sued IN HIS ✓ INDIVIDUAL AND OFFICAL CAPACITY ✓ FOR FRAUD ON A.D.A AND FAILING TO REPORT HIS EMPLOYEES TO FEDERAL AUTHORITY'S FOR FRAUD UNCONSTITUTIONALLY INCREASING THE LENGTH OF A PRISON DUE TO PRISONER'S ILLNESS ✓ AND [NO A.D.A STAFF PROTOCOL]

11 Defendant B. Gutierrez. Grievance Coordinator

B. Gutierrez is employed as an Grievance Coordinator

for N.D.O.C. S.D.C.C. This Defendant is sued in

✓ INDIVIDUAL AND ✓ OFFICIAL CAPACITY FOR DECEPTIVE
PRACTICE FRAUD with a DELIBERATE INDIFFERENCE AND
MANIPULATING THE GRIEVANCE PROCESS CHANGING THE
SUBJECT MATTER OF GRIEVANCE # 20063069964 CONCERNING
A.D.A MANDATORY COORDINATOR, NEVER ANSWERING THE STATED
ISSUES IN ABOVE MENTIONED GRIEVANCE (UNDER COLOR OF LAW)

12 Defendant M. MINEV Grievance Coordinator

M. MINEV is employed as a Grievance Coordinator

for N.D.O.C. S.D.C.C. This Defendant is sued in

✓ INDIVIDUAL AND ✓ OFFICIAL CAPACITY FOR DECEPTIVE
PRACTICE FRAUD with a DELIBERATE INDIFFERENCE
AND MANIPULATING THE GRIEVANCE PROCESS CHANGING
THE SUBJECT MATTER OF GRIEVANCE # 20063095454
CONCERNING SAID PRISON DOCTOR HENRY LANDSAYAN'S LEGAL
MAL-PRACTICE ISSUES NEVER ANSWERING THE ORIGINAL SUBJECT
MATTER OF THIS GRIEVANCE AND CHANGING THE SUBJECT
MATTER OF THE GRIEVANCE CONFUSING THE PROCESS (UNDER
COLOR OF LAW)

Defendant _____ resides at _____
(full name of first defendant) (address if first defendant)
and is employed as _____. This defendant is sued in his/her
(defendant's position and title, if any)
individual _____ official capacity. (Check one or both). Explain how this defendant was
acting
under color of law: _____

13 Jurisdiction is invoked pursuant to 28 U.S.C. § 1333 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

Also ASSENT Jurisdiction UNDER THE AMERICANS WITH Disability ACT 42 U.S.C. 12101-12213 A.DA/AR 658

B. NATURE OF THE CASE

1) Briefly state the background of your case.

Fraud By AND Through DECEPTIVE Practice
NEVADA Dept of Corrections, Southern Desert C.T.N
Director of Prisons (JAMES Dzizendra) signs This
[ADA] MANDATE AR 658 Title I II III into Effect
5-15-18 "UNDER COLOR OF LAW" But Doesnt OFFER "ANDERSON"
INMATE; [ADA] COORDINATORS NOT [ADA] ACCOMODATION
FOR Qualified INMATES, FRAUD Deceptive Practice NEVADA
Dept of Corrections S.D.C.C. MEDICAL Director
(HOHEO Aranas) signs [ADA] MANDATE AR 658 Title I II III
into Effect 6-12-2018 UNDER COLOR OF LAW
But Doesnt OFFER INMATE ANDERSON any [ADA] COORDINATORS
NOT any [ADA] ACCOMODATIONS FOR Qualified [ADA] INMATE ANDERSON

C. CAUSE OF ACTION

3. NATURE OF THE CASE

That Southern Desert C.I.N : IS NOT IN COMPLIANCE with A.D.A Mandatory Mandates as Required in A/R 658 AND AS OF THE DATES DIR. ZUMENOT AND MEDICAL DIR. ARANAS SIGNS THE 658 TITLE II INTO EFFECT UNTIL PRESENT DATE (May 10, 2021) S.D.C.C. DOESNT COMPLY WITH MANDATED A.D.A COORDINATOR STATIONED AT S.D.C.C. THERE'S NO CERTIFIED A.D.A COORDINATOR AVAILABLE TO S.D.C.C. IN THAT AS. A/R 658 TITLE II LANGUAGE SPEAKS A/R 658.04. EQUAL ACCESS A/R 658.05 SUBSCTIONS # 1 (A)(B)(C)(D) A/R 658.06 ORDERS REASONABLE. [A.D.A] ACCORDATIONS SUBSECTIONS 1, 2, 3. 3(A) 3(B) 3(C) 3(D) 3(E) A/R 658.07 # 1. 1(A) 1(E) 1(F) 1(G) A/R 658.09 IN ITS ENTIRETY "NOT OFFERED" AT (S.D.C.C) A/R 658.10 # 123

Said DR HENRY LANDSYAN MEDICAL "LICENSE" TO PRACTICE PRESCRIBE TWO WEEK IN THE FIELD OF MEDICINE WAS REVOKED (SEPT 24TH 2012) SEE US DIST COURT # 2:15-cv-1470-JCH-NJK LANDSYAN HAS NO VALID MEDICAL LIC# TO PRACTICE MEDICINE HOW DID HE BECOME PLAINTIFFS SENIOR DOCTOR PLACING PLAINTIFF ON 20 MG PREDNISONE STERIODS A SHORT TERM DRUG FROM 2017 UNTIL PRESENT DAY CAUSING UNFOLIABLE REPRODUCTIVE ORGAN DAMAGE TO PLAINTIFF WITH MASSIVE WEIGHT GAIN

C. CAUSE(S) OF ACTION

CLAIM 1

The following civil rights have been violated: 8th Amendment Violation: cruel and unusual Punishment with a Deliberate Indifference. 14th Amendment violation Due process / equal protection a result of Fraud / deliberate Indifference

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

ON (8-3-18) Plaintiff Requested A.D.A. Accommodations while Housed at SOUTHERN DESERT C.T.N. Due To Plaintiff's ILLNESS "Kiyuras Disease" a True Chronic Inflammation Disorder which weakens and suppresses The Human Immune System. The "Noticable" Effects are Subdermal lesions in The Head and Neck unilateral Inflammation or Cervical lymphnodes. In which, in (Oct 13th 2013) ANDERSON Had Facial lymphnode surgery to remove "Elephant Head Neck lymphnode. By [N.D.O.C] Doctor; Karen GEONLEY. Surgeon Philip S. Schlaeger Place Carson Tahoe Hospital Pt# 1328100318 MR# 020379997. In which Plaintiff's ILLNESS is COVERED UNDER A/K 658 Title I II III Section 504 of The Rehabilitation Act UNDER A/K 658-01 Subsection (B) Immune System, Digestive Bowel, Bladder, Neurological Brain AND Reproductive System Functions. A/K 658 Title I II III is SIGNED into Effect By Director of NEV. Prison's on (5-15-18)

Claim #1

AS MEDICAL DIRECTOR OF NEW PRISON'S DOCTOR;
HOMELESS SIGNS AT 608 Title I II III INTO EFFECT
- 6-12-2018 - Plaintiffs Illness AND THE EFFECTS
OF Plaintiffs Physical limitation's cause. By Plaintiffs
Disease #1 Swelling of limbs AND joints #2 Joint pain
#3 Migrain Head-ache Daily #4 Balance Problems #5 Hearing loss
Right ear #6 INHERENTLY Difficult To Detect Bleeding
Intestinal Bleeding #7 Swelling That Don't Stop
as well as Compotinal Damage! #8 Finger AND Toe Nail texture
Change. Continued Intestinal swelling over Right ear. Domy
Causing THE FILL as if Something is crawling in Plaintiffs
Right ear. Due To Plaintiffs Disease, Plaintiffs Effects
FROM THE Said Disease Plaintiff Qualifies FOR PURPOSE
OF [A.D.A] ACCOMODATION'S FOR HIS DISABILITY'S.
Here. James Zimmerman AND Jerry Howell
Breached This State AND Federal Private EVEN
WITH KNOWLEDGE OF Plaintiffs Disease SINCE
- Oct 13 2013 -

This 8th Amendment Violation with a Deliberate
INDIFFERENCE is a Deceptive Practice UNDER
THE COLOR OF LAW FRAUD against Plaintiff IN
Violation OF A.D.A Mandates [N.D.O.C] [S.D.C.C]
Instill's The TYPOSITION OF CRIME AND UNUSUAL
Punishment AND "EMbody's a BROAD Toldeal Concept

Claim # 1

That GOI's Totally against; Dignity, Civilized Standards of Humanity Found in ESTELLA v Gamble 429. U.S. 97 102. (1976). Prison Officials Violate The 8th Amend when acting with a Diliberate Indifference Dir James Dzurenda AND warden Jerry Howell, Actions Surrounding These Circumstance's Constitute Fraud Title II of The A.D.A 42. USC 12132 Provides That no qualified Individual with a disability shall By Reason of such disability be excluded From participation in or be denied The Benefits of The SERVICE Programs or Activities of a Public Entity or be subject to Discrimination. Is The Plaintiff Here Has Been Discriminated against By The Above Mentioned Parties From 8-3-2018 until Present Date! The entity's of [N.D.C] [S.D.C] CONCERNING [A.D.A] ... ! Americans with Disabilities ACT "Title II" Prohibits a "Public entity" From Discrimination against any qualified Individual with a Disability. This action also covers Individual Disabilities ON Account of That Individuals Disability IN-cluding INMATE'S IN STATE PRISONS. Pennsylvania Dept OF CORR V Yostkey 524. U.S. 206 209. (1988). HERE Plaintiff Has Full Knowledge That He IS a Qualified Individual. But Dir Dzurenda AND warden Jerry Howell Committed Fraud NEVER Allowing A.D.A Certified Staff To Review

Claim # 1

ANDERSON's Request for A.D.A Accommodations
for Plaintiff's "Takayasu Disease" which Thinks
No Care For - But Results in Plaintiff's Disability

Statement of Facts

SEE: Attachment #1

Page # 1 AIR 658 Nothing NEVER was
Made Available under Responsibility

SEE: Attachment #1

Page # 2 AIR 658-01 Disabilities 658-01 Sub-
Section B. Immune System Disorders are Canceled
"Takayasu Disease" is an Immune System Disorder
Hearing loss, Digestive Disorders, Bowel Blockage
working esophageal Distortion, Psychological Disorders
lymphatic skin and Endocrin Non contagious
which ANDERSON SUFFERS. But N.D.O.C NEVER
Made Available.

SEE Attachment #1

Page # 3 AIR 658-01 E. Subsection (2) Reasonable
Accommodations NEVER Made Available TO ANDERSON
No utilization Review Panel was EVER made
Available TO ANDERSON

Clay # 1

SEE: Page #4 A/R 658.02
Policy objective #1 subsection A. B.C. D. E
where NEVER made Available To ANDERSON

SEE: Page #4 A/R 658.03
Intake Programs were NEVER made Available
To ANDERSON 658.03 1, 2, 3 [N.O.O.C]
[S. D. C. C] Doesnt OFFER THESE Updated
Intake Programs

SEE: Page #5 A/R 658.04 Equal ACCESS To
Assignment, Assignments Programs activities and
SERVICE This was NEVER made Available
To ANDERSON

SEE. Page #5 A/R 658.05 Page #6 A/R 658.05
Intake Process :1 Subsection A. 3. Forno on
Page #5 was NEVER made Available To ANDERSON
Page #6 C. D. E F. G. Subsection 1,2,3
Page #7 H. 1 2 3 WERE NEVER made
Available To ANDERSON

SEE: Page #7 A/R 658.06 Reasonable Accommodations
#1, 2, 3 Subsection A.B.C. where NEVER
Made Available To ANDERSON

Claim #1

SEE: Page #8 A/R 658.06 D. E.
NEVER MADE AVAILABLE TO ANDERSON

SEE: Page #8 A/R 658.07
#1 A. E. F. G. where NEVER MADE
AVAILABLE TO ANDERSON

SEE: Page #10 A/R 658.10

MEDICAL DIRECTOR HOME TRAVAS AND DIRECTOR OF
NEVADA PRISONS SIGNS ALL TRAINING POLICY INTO
EFFECT ON 6-12-18, 5-15-18 REGARDING PROCEDURES
AND POLICY FOR TWO REGARDING A.D.A. INMATES

But [N.B.O.C] [S.O.C.C] NEVER PROVIDED STAFF
REGARDING A.D.A. WHICH REQUIRES EQUAL ACCESS TO
STATE AND FEDERAL PROPERTY TWO TRAINING IN WHICH
SOUTHERN DEPT C.T.N. DOESN'T OFFER BY TWO
THROUGH FRAUD WITH A DILIBERATE INDIFFERENCE.

AS IN RANDOLPH V. TOLGEYS 980.75 SUPP 1051
THE COURTS HELD THAT FAILURE TO PROVIDE AN
INTERPRETER DID NOT DENY DUE PROCESS BUT
FAILURE OF THE STATE TO MOVE FORWARD WITH
[A.D.A] PROVISIONS CAUSED UNDO HANDSHIP
UNDER TUNER STANDARDS! IT'S CLEAR THAT
CONTRACTS

Claim #1

Has Abrogated Laws That Clearly State The
"Eleventh Amendment" Protection For Declaration
And Injunctive Relief under Title II of [A.D.A].
Congress Has Also Abrogated at Least For Prisoners
[A.D.A] Damages And Damage claims That Involve
Actual Violations of Constitutional law Petitioners
Complaint Asserts Concur That Violates [A.D.A] A/k 658
In its entirety and US Constitutional laws two mandates
as follows 14th Amend Due Process and Equal Protection
8th Amend Cruel and unusual Punishment The 9th Amend
Rights Retained by The People. The 11th Amend Protection
For "Declaration Relief Concerning A.D.A Damages.

The Defendants are Held Liable under provisions
of A.D.A. Violations For Prisoners as in
U.S. vs Georgia 546. US. 151. 160 126, Sct
874 (2006) (Concurrence Opinion)

Hiller vs King 384. F3d. 1248 1263-67
11th Cir 2004. Vacated and Super Seded on other
Grounds 449. F3d 1149. (11th Cir 2006)

Phiffer v Columbian River Correctional Institute
384 F3d 791 (9th Cir 2004). As "two person's" medical
Claims Require EXPERT Knowledge, EXPERT Testimony
which Requires Technical Knowledge of The
long and short TERM Effects of Disability
Due To "Kymura's Disease"

Claim #1

CONCERNING A.D.A. SEE. MC. CANTH V HAWKINS
381 FED 407 (5th Cir 2004)

ANTR V. MISSOURI DEPT OF CORRECTIONS (11th Cir 2003)
MC. CANTH V. HAWKINS 381 FED 407 (5th Cir 2004)

Plaintiff here State's Even in light of The Complexity
OF A.D.A ISSUES INVOLVED ANDERSON HAS DEMONSTRATED
The NEEDED BURDEN FOR THE EXISTENCE OF SUCH
EXCEPTIONAL CIRCUMSTANCES AS IN WILBORN 789 F2d
① 1331. Plaintiff HAS established EXCEPTIONAL FACT
CONCERNING (A.D.A FRAUD) DELIBERATE INDIFFERENCE
DELAY AND Denial of Adequate AND Timely [ADA]
PROVISIONS AND ACCOMODATION'S AS IN TURNER V. SAFLEY

The Supreme Court Held That when a PRISONER OR
a PRISON REGULATION is VALID if it is REASONABLE
RELATED TO LEGITIMATE PENALOGICAL INTEREST HERE
"ANDERSON" PRESENTS SEVERAL FACTORS. THAT DETERMINE
THE 42 U.S.C. Title I II III AMERICANS WITH DISABILITIES
ACT A.D.A SECTION 504 REHABILITATION ACT. THAT
BY TWO THROUGH "DECEPTIVE PRACTICE" WITH A
DELIBERATE INDIFFERENCE THE NOT OFFERED AT
SOUTHERN DESSERT C.T.N. Causing "ANDERSON" THE
EFFECTS OF PHYSICAL DISTRESS DUE TO INTENSIVE INFILTRATION
(I.I.E.D) WITH INTENSIVE INFILTRATION OF EMOTIONAL DISTRESS
(N.I.E.D) CAUSING ANDERSON TO SUFFER BOTH (ANXIETY AND
DEPRESSION) CAUSING BLOOD IN STOOL TWO MIGRAINE HEADACHES

Clay # 1

THIRDS NO A.D.A Protocol, NOT any A.D.A Staff
NOT any A.D.A AGENTS STATIONED at J. S.D.C.C. NOT
any J. Employee's FREE STAFF, Mental Health A.D.A
Doctors NOT any CERTIFIED A.D.A. COORDINATORS
STATIONED at S.D.C.C. as AIR 658 in its Entitity
Mandate's as is Mandated By Constitutional law

Page: 17 is The END of Clay # 1

SEE: Attachments Supporting Frame work

1 AIR 658 Title III

2 ANDERSON's Request for A.D.A ACCOMMODATIONS

3 Grievance No A.D.A CIVIL Rights

Front AND Back

Informal Grievance 1st Level and Level

4 Request for Normal Housing After

Surgery with This Request Surgery was

Declined on my hands AND TELL

5 Request for A.D.A Records INFO

CUSTODIANS of Record

6 Request A.D.A. Tony's Medical Dept

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
658

REASONABLE ACCOMMODATION FOR INMATES WITH DISABILITIES

Supersedes: AR 658 (04/13/15, Temporary); 5/19/15, 1/14/16, (07/05/17, Temporary)

Effective Date: 05/15/18

Change: *Expanded Policy Amended from Hearing Impaired Inmates*

AUTHORITY:

Title I, II and III of the Americans with Disabilities Act

PURPOSE:

To ensure the Nevada Department of Corrections (NDOC) is compliant with Title I, II, and III of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Rehab Act). The ADA gives federal civil rights protections to individuals with disabilities, similar to those provided to individuals on the basis of race, color, sex, national origin, age, and religion. It guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, State and local government services, and telecommunications.

RESPONSIBILITY:

The Director is responsible to ensure the administration and development of regulations.

The Deputy Directors of each Division are responsible to ensure implementation in their respective areas.

The Warden, Facility Manager, and/or designee is responsible to ensure operational procedures are implemented at each facility or institution.

All employees shall recognize and take seriously any requests for disability accommodations, and any complaints or grievances alleging disability discrimination or accessibility.

The ADA Coordinator, as defined by the Warden at each institution or facility, is responsible to ensure efforts have been exhausted in ensuring the NDOC works to provide reasonable accommodations. A "reasonable accommodation" is any modification or adjustment to a assignment, assignment application process, or work environment that will enable a qualified applicant or inmate with a disability to participate in the eligibility process, perform the essential functions of the assignment, or enjoy the benefits and privileges of prison employment or programs.

Attachment # 1
Front and Back

The Director of Medical and the Director of Nursing at each of the institutions/facilities are responsible for the operational control and administration of this regulation. They are also responsible for ensuring its provisions are followed and that all inmates who have been identified as having a disability are assessed appropriately.

658.01 DEFINITIONS

A. Disability

1. A physical or mental impairment that substantially limits one or more of an individual's major life activities; or
2. A record of such an impairment; and/or
3. Perceived or regarded as having such impairment.

B. Major Life Activities: Includes such functions as caring for oneself, activities of daily living, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, eating, sleeping, walking, lifting, bending, reading, communicating, working, the operation of a major bodily function, including but not limited to functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, and reproductive functions.

C. Substantial Limitation of a Major Life Activity: A condition that renders an individual unable to perform a major life activity that the average person in the general population can perform, and the determination of which requires an individualized assessment.

D. Physical or Mental Impairments

1. Physical or mental impairments include any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
2. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
3. The phrase physical or mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy,

multiple sclerosis, cancer, heart disease, diabetes, mental retardation, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), or tuberculosis. The phrase physical or mental impairment does not include homosexuality or bisexuality.

E. Reasonable Accommodation

1. A modification or adjustment to the physical environment, procedures, or the manner in which tasks are carried out that enable a qualified inmate with a disability to perform all essential assignment functions or to participate in a program or service or to use a facility.

2. NDOC will make reasonable modifications or adjustments to physical environment, procedures, or the manner in which tasks are carried out that are consistent with legitimate penological interests in order to allow qualified inmates with disabilities the same opportunity of usability and access as non-disabled inmates unless doing so would create an undue hardship for Prisons, cause a fundamental alteration to a program, or pose a direct threat of substantial harm to the health and safety of the individual or others.

F. Qualified Inmate with a Disability: An inmate with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

G. Undue Burden on the Department: An action causing either fundamental alteration of a service, program, or activity, or financial and administrative burdens requiring significant difficulty or expense in the implementation of an accommodation, or threat to the safety and security of the facility, staff, inmates, volunteers or visitors.

H. Facility ADA Coordinator: A position designated to ensure compliance and implementation of this policy within a NDOC facility. For purposes of this policy and program, that position shall be the Associate Warden for Programs at each facility. In the absence of an Associate Warden of Programs, the Facility ADA Coordinator shall be the facility's highest ranking Program staff member under the Facility Head.

I. Utilization Review Panel: A panel consisting of institutional practitioners, Medical Director, and the Utilization Coordinator, who review requests for medical care provided by an outside provider.

658.02 POLICY OBJECTIVE

1. It is the policy of NDOC to establish procedures that will provide an accommodation or allow inmates to request an accommodation for a qualified disability that affects a major life activity and to ensure that:

- A.** Every inmate, including those with a qualified disability, shall be housed in a manner that provides for his/her safety and security. Reasonable accommodations are made only if the accommodations pose no direct threat to the individual requesting the accommodation, or to others, or cause an undue hardship on facility security and orderly operations;
- B.** Reasonable accommodations shall be made to the physical structure of housing for an inmate with a qualified disability to accommodate for the physical limitations of the disabled inmate and facilitate the inmate's inclusion in facility life;
- C.** The Facility ADA Coordinator may authorize housing unit furnishings within the cell/dorm to be rearranged to best accommodate an inmate with a qualified disability and shall identify specific criteria for bottom bunk priority. A visually or mobility impaired inmate shall be given bottom bunk status;
- D.** Reasonable accommodations shall be made to facility assignment assignments, programs, activities, and services to permit participation by a qualified inmate with a disability;
- E.** No qualified individual with a disability shall, solely by reason of such disability, be excluded from participation in or be denied the benefits of assignments, programs, activities, or services offered by the NDOC.

658.03 INMATE PROGRAMS

1. No inmate shall be discriminated against in participating in a assignment, program, activity or service based on his/her disability. Consistent with this regulation, facilities are required to make reasonable accommodations to known inmates with qualifying disabilities.

2. NDOC staff will modify assignments, programs, activities or services to the extent that a qualified disabled inmate can participate unless doing so would fundamentally alter the program, adversely affect legitimate penological interests, pose undue hardships for facility operations, or pose a threat to the safety and security of the facility staff, other inmates, volunteers and visitors.

3. An inmate will not be placed in a assignment, program, activity or service which clearly jeopardizes his/her safety or security.

4. Exclusion of offenders from available programs or services shall be based on the following criteria:

A. In order to provide the modification for access, it would present an undue burden to the facility/NDOC if:

- 1) The offender is unable to perform basic or essential functions of the program, with or without reasonable accommodations; or
- 2) The offender is not qualified to enroll in the program.

658.04 EQUAL ACCESS TO ASSIGNMENT/ASSIGNMENTS, PROGRAMS, ACTIVITIES, AND SERVICES

Eligible otherwise qualified inmates with a disability shall have the same opportunity for access to assignments, programs, activity(s) or service options as eligible otherwise qualified inmates without disabilities and are able to request service for activities.

658.05 INITIAL INTAKE PROCESS

C. The Department will make reasonable efforts to identify inmates during the intake process who may have a disability, to include but not limited to medical, mental health, sight, mobility, deaf or hearing impaired. Additional assessments may be done by healthcare staff who notice any perceived disability, receive a request by the inmate for review, and/or receive a referral from a NDOC staff person for an evaluation by healthcare staff. The determination of ADA requires medical to determine the disability and reasonable accommodations to be done by a team of medical, the ADA coordinator and classification (caseworker).

A. Healthcare staff will engage in an interactive process with the inmate to assess conditions which may qualify as a disability and may require ADA accommodations. This interactive process may include interviews with the inmate, employee observations, offender reports, and/or documentation of an offender's disability. If it is determined that an identified inmate may require a level of service accommodation, the inmate will be scheduled to be evaluated by a practitioner (physician or mid-level provider) within three (3) working days. A determination must be made and documented in NOTIS.

B. If the healthcare practitioner is unable to determine that an identified inmate qualifies under the ADA, the practitioner will be responsible to submit a request to the Utilization Review Panel for a consult by an outside specialist to determine the level of disability and/or hearing loss and appropriate care for the inmate. Once the disability or hearing deficit has been confirmed and a course of treatment ordered, the inmate will be seen by a committee consisting of the ADA coordinator, a representative of the medical staff and classification to determine the appropriate accommodations and services based on the treatment ordered. The list of Accommodation Categories may be used to assist this process as determined by healthcare professionals. A memorandum will be generated by the ADA coordinator indicating the services that will be provided and any other special

handling instructions. Copies of the memo will be placed in the inmate's I-file and medical file.

C. Once the appropriate level of care and the inmate's needs have been determined, the inmate will be eligible to be reviewed by Classification staff to determine appropriate institutional placement. Classification staff shall consider security concerns and appropriate programming availability at various institutions. The Facility ADA Coordinator is responsible to record ADA determinations and recommended accommodations, modifications or denial and explanation of delay to accommodation.

D. An inmate who has a disability that he/she believes is not being reasonably accommodated, will submit a grievance with a written request for accommodation in compliance with AR 740. The grievance must be included along with the specific disability(s) being claimed as well as the specific accommodation or service the inmate seeks.

E. The Medical Director must notify the inmate in writing of the final determination. The notice must be received by the inmate within 45 working days of the inmate's initial request. In the event a determination cannot be made within 45 working days because of circumstances beyond the control of the facility, the Medical Director shall notify the inmate requesting the accommodation within the 45-day period of the reason for the delay and the expected date that a final determination will be made. In any event, the inmate will be notified of the final determination within 60 working days of the date the inmate makes the initial request.

F. During any part of the ADA process outlined in this section of the policy, if the inmate transfers to another prison facility, the facility ADA Coordinator is to ensure that all forms and supporting documentation are forwarded to the ADA Coordinator at the receiving facility. The appropriate information will be included in NOTIS.

G. Justification for Denial of Request for Accommodation - A request for accommodation may be denied for any of the following reasons:

- 1) A request for accommodation shall be denied when it would pose a risk to the safety and security of the prison facility, staff, or the public, or when the request would adversely impact other penological interests, e.g., deference of crime, interference with rehabilitative efforts, and maintenance of inmate discipline.
- 2) In making determinations for reasonable accommodation, public safety, health, safety, and security of all inmates and staff shall take priority over an accommodation decision.
- 3) Facility staff need not take an action to provide accessibility to a assignment, program, or activity, or service if the action would impose

or require an undue burden.

H. An Undue Burden. An accommodation that does not meet the standard of reasonableness, as determined by the Facility ADA Coordinator and Deputy Director or designee.

1) A fundamental alteration of the purpose of the assignment, program, activity or service.

2) Direct Threat. The Facility ADA Coordinator should consult with the Warden, or his designee, before making a final determination on the potential risk to security posed by an inmate's requested accommodation.

3) Equally Effective Means. A request for accommodation shall be modified if equally effective access to a assignment, program, activity or service can be afforded through an alternate method that is deemed to provide equally effective access and/or equally effective communication, and will meet the standard of reasonableness.

658.06. REQUESTS FOR REASONABLE ACCOMODATIONS

1. An inmate seeking an accommodation for a possible qualifying disability which was not evaluated or identified by medical practitioner during the Inmate Intake Process, as identified in Section 658.3 above, shall submit an Inmate Disability Accommodation Request Form (DOC 2568 (12/17)) to the Health Service Administrator.

2. The inmate completing the Disability Accommodation Request Form must describe his or her specific disability(ies), and the specific accommodation and/or action the inmate wishes to be taken to accommodate the alleged disability. The health care staff member handling any actions outside of the Department shall insure all HIPAA releases are documented.

3. The Health Service Administrator/designee shall:

A. Review the Inmate Disability Accommodation Request Form to determine its completeness. Illegible or incomplete forms shall be returned to the inmate.

B. Evaluate whether the inmate is disabled, as described by the inmate and whether the inmate is able to perform the activities described.

C. Arrange for a clinical evaluation of the inmate's alleged disability and/or impairment by a medical practitioner in order to validate the disability/accommodation request. Any clinical evaluation should be an interactive process between the health care professional and the inmate. This evaluation may include a review of medical records, a medical examination and any other action deemed necessary by the medical practitioner.

Attachment -1

- D. Following the clinical evaluation, the medical practitioner shall forward the Inmate Disability Accommodation Request Form along with the results of the evaluation to the ADA Coordinator.
- E. Upon the determination that the medical condition qualifies as a disability as defined by the ADA, the ADA Coordinator, with input provided by the health care staff, security staff and caseworkers, will determine what accommodation(s) would be effective and reasonable. The NDOC will make the final determination of the reasonableness of an accommodation.

658.07. ACCESS TO AUXILIARY VISUAL, HEARING AIDS AND SERVICES

For those inmates identified with a visual impairment or hearing impairment, the ADA Coordinator, with the assistance of the medical staff, will ensure that visually-impaired and hearing-impaired inmates are provided access to auxiliary aids and services when required for effective communication in accessing and participating in department programs, services and activities.

- 1. Such programs, services and activities include but are not limited to the following:

- A. Intake assessments and classification;
- B. Institutional orientation;
- C. Medical and mental health services;
- D. Substance abuse and other treatment programs;
- E. Inmate work and education programs;
- F. Program, housing, classification, release and other status reviews;
- G. Disciplinary hearings, grievances, discrimination complaint, and other administrative processes for review of decisions and actions by department staff affecting inmates; and
- H. PREA reporting and/or follow-up with any PREA concerns

2. Auxiliary aids and services for deaf and hearing-impaired inmates may include, but are not limited to the following:

- A. Handwritten or typed notes if the communication is short and simple;
- B. Qualified sign language interpreters, when available, if the communication is not short and simple (either in person or video interpretation) and for large meetings and events;

- C. Real-time captioning of video materials, when available;
- D. Open or closed captioning of video materials, when available;
- E. Written transcripts or outlines;
- F. Visual notifications such as a flashing light or flashcard;
- G. A sign on a cell door or vest/shirt notifying staff of a hearing-impaired inmate; and
- H. Other methods of making aurally delivered materials accessible to people with hearing impairments.

3. Aids for the Visually Impaired include, but are not limited to:
 - A. Safety Glasses;
 - B. Magnifier in the computer in the law library;
 - C. Writing guides, when available, and/or
 - D. Reading books in braille, when available.
4. When an auxiliary aid or service is requested by a deaf or hearing-impaired inmate, the ADA Coordinator will consult with the inmate to determine what aid(s) will be effective. Staff will give primary consideration to the inmate's choice unless another equally effective means of communication is available and/or provision of the auxiliary aid or service requested by the inmate would result in an undue financial or administrative burden to the Department or a fundamental alteration of the program, services or activity.
5. After documenting an inmate's need for auxiliary aids and services for effective communication, staff will continue to provide auxiliary aids and services to the inmate unless the inmate affirmatively indicates that he or she does not want such services, or the Department determines such services are no longer required under the ADA.

658.08 MEDICAL AIDS

1. Medical staff will be responsible for keeping appropriate records regarding inmates identified with a disability including all medically necessary aids and services.
2. Medical staff will be responsible for purchasing and keeping an appropriate stock of the most frequently used hearing aid batteries. Batteries for hearing aids not provided by the N.D.O.C. will be ordered upon written request by the inmate. Batteries that are in stock will be replaced. Batteries that are not stocked will need to be ordered. The ordering process will be initiated by the next business day of the received written

Att Hackney #1

request. Inmates must turn in their old batteries to obtain new ones.

3. Medical staff must be notified in writing by the inmate if the inmate's visual or hearing aid is damaged or in need of repair. The hearing aid will be sent out by the Department to a repair company by the next business day with a request for estimate or quote of the estimated charges to repair or replace the hearing aid. The completed estimate or quote will be sent to the Utilization Review Panel for authorization. Any damages that are determined to have been caused by the inmate may be subject to NRS 209.246 charges, which require the inmate to pay 100% of the cost of repair or replacement. Medical shall inform the inmate when the hearing aid was sent to the repair company and when it is expected to be returned. Medical will maintain written documentation of all hearing aid repairs, including the vendor used, the date of the repair and the specific repairs performed in the inmate's medical file. While a hearing aid is out on repair, the inmate will be provided with an alternative means of reasonable accommodation.
4. Annual Evaluation of Eligibility under the ADA. Inmates found to meet the criteria for inclusion under the ADA will be re-evaluated annually to assure the appropriateness of ongoing inclusion and provision of accommodations under the ADA.

658.09 TELEPHONIC AIDS

1. Telecommunications Typewriters (TTY) are also known as Telecommunications Device for the Deaf. The Warden shall ensure that written procedures are developed and implemented to provide TTY's for inmates who are deaf or hearing-impaired in a manner that ensures effective access to telephone services.
2. In light of the fact that telephone calls placed via a TTY unit take three to five times longer than telephone calls placed using standard voice equipment, NDOC shall not impose on TTY calls a time limit of less than four times the time allowed for voice telephone calls.

658.10 TRAINING

1. The Facility ADA Coordinator will receive training annually in the Americans with Disabilities Act, Title II, which requires equal access to state programs and facilities to those with qualifying disabilities and any other training as designated by the Director or his designee.
2. ADA Training will be provided to all staff on the policy and procedure regarding the ADA Process for inmates. New employees will be provided ADA Training as part of new employees' Orientation.
3. All appropriate identified Department staff will be trained through use of audio and visual methods and will be provided printed educational information on the ADA Policy and Procedures regarding the ADA and inmates.

APPLICABILITY

1. This administrative regulation requires operational procedures on equipment utilized for visual and hearing accommodations.
2. This administrative regulation requires an audit.

REFERENCE: ACA 4th Edition 4-4054, 4-4055

Romeo Aranias

Medical Director, Romeo Aranias, M.D.

6-16-18

Date

James Dzurenda

Director, James Dzurenda

5-15-18

Date

~~Arguement~~

~~There is Good Cause UNDER THE COLOR OF
Law: Braglit Pursuant: NRS 41.0322
Tort Action AND Civil Rights Complaint Pursuant
To 42 U.S.C § 1983 AS Follows~~

~~Petitioner ANDERSON Has established EXCEPTIONAL
CIRCUMSTANCES CONCERNING (A.D.A Fraud) DELIBERATE
INDIFFERENCE Delay AND Denial OF Adequate AND
TIMELY Health Care Adequate AND timely A.D.A
ACCOMMODATIONS → AS IN TURNER v. SULLIVAN The
Supreme Court Held: That when a PRISONER OR A
PRISON REGULATION IS VALID IF IT IS REASONABLE
RELATED TO LEGITIMATE PENALITICAL INTEREST
WHICH HERE CASE # A-19-795566-C → Petitioner
Presents SEVERAL FACTORS THAT PETITIONER
ATK 658 IS REASONABLE AND RELATED BUT
BUT AND THOUGH "DECEPTIVE PRACTICE" WITH A
"DELIBERATE" INDIFFERENCE, X ARE NOT FOLLOWED
BY ADMINISTERED BY "SOUTHERN DEPUTY CORRECTION"
CENTERS DIR OF PRISONS JAMES DEUKENDA
NOT WORKER JEFFREY HOWELL NOR ANY AGENT
STAFF, EMPLOYEE, OR STAFF AND OR DOCTOR
HAS "HIGHLIGHTED" APPLY THE [A.D.A] AS IT IS
WRITTEN HERE, OR THE ABSENCE OF READY
ALTERNATIVES IS THE EVIDENCE OF "FRAUD"
ON INMATE ANDERSON CONCERNING INJURIOUS
DANGER OF "LIFE AND LIBERTY"~~

658-10 # 2.3 - { Requested Attestation 6-12-18
 Direct - James Deanda 5-18) Application reference
 A.C.A. # 4-4054, 4-4055

PRINT NAME: <u>Anthony K. Anderson</u> <small>(Also print name and ID# at bottom of form where indicated)</small>	ID#: <u>1082999</u> DOB: <u>9/1/64</u>
Institution: <u>S.D.C.C.</u>	Date submitted: <u>8/3/18</u>
Medical: <input checked="" type="checkbox"/> Dental: <input type="checkbox"/> Mental Health: <input type="checkbox"/> Nursing: <input type="checkbox"/>	Signature: <u>Anthony K. Anderson</u>
Reason for request: (Describe below)	
<p>Request Accommodation for Inmate with Disabilities ACT The Responsibility (Immune Disease) #658.01 Disability # A1 #FB Functions of the Immune System # C. Head ticks cause Substantive limitation of Major activities #D 1 #E 2 #H (ID ADA Coordinator MUST insure Compliance # I Review Panel (ID 658-D2 #1-D#18, 658-D3 #1,2,3 658-D4, 658-D5 #L 1,2,3-D#H 1 DO NOT WRITE IN AREA BELOW 658-06 1#D#3-D#E</p>	
Response to request:	
<p>Medical does not have this Form. please Contact your Caseworker.</p>	
<input type="checkbox"/> Appointment Schedule for: <u> / / </u> Rescheduled for: <u> / / </u> <input type="checkbox"/> No visit necessary <input type="checkbox"/> No Show for Appointment <input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed	
RECEIVED	
AUG 8 2012	
<input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP <input type="checkbox"/> Order Date: <u> / / </u>	
Initial: <u>A</u>	
PLAN <input type="checkbox"/> Follow-up appointment <u> / / </u> <input type="checkbox"/> Return if needed <input type="checkbox"/> No follow-up required	
Signature/Title of Provider <u> / / </u> Date <u>8/3/18</u>	
NEVADA DEPARTMENT OF CORRECTIONS MEDICAL KITE and/or SERVICE REPORT	
NAME: <u>Anderson Anthony K.</u> Last <u>K</u> First <u>Anthony</u> MI <u></u> ID# <u>1082999</u> Univ/Cell#: <u>12-A-4-D</u>	

[A.D.A] 1st Request

Attachment # 2

Exhibit #6

Count #1

Log Number

For Pratting, T. J. 20063269964

Medical Admin

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: Anthony Anderson I.D. NUMBER: 1082999

INSTITUTION: Southern Desert Correct. Center UNIT: 12-A-4-D

GRIEVANT'S STATEMENT: Southern Desert Correctional (SDCC) agents, employees, and staff, have violated my right to the Americans with Disabilities Act Title II and III. (ADA). The ADA gives civil rights protection to Grievant, which has been violated with a conscience and deliberate indifference, having acknowledged ADA requirements, standards since 04/13/15 (See Doc-3097 attached)

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony J. Anderson DATE: 8-8-18 TIME: 1:23 : PM

GRIEVANCE COORDINATOR SIGNATURE: GNR DATE: 8-8-18 TIME: 2P

GRIEVANCE RESPONSE: _____

CASEWORKER SIGNATURE: Janet Johnson DATE: 9/24/18

GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: GNR DATE: 9/24/18

INMATE AGREES INMATE DISAGREES

INMATE SIGNATURE: Anthony J. Anderson DATE: 9-24-2018

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To Inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

RECEIVED

Aug 09 2018

S.D.C.C.

DOC 3091 (12/01)

Attachment #3

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony Anderson I.D. NUMBER: 1082999

INSTITUTION: Southern Desert Correctional Center UNIT #: 11-A-4-B

GRIEVANCE #: INFORMAL GRIEVANCE LEVEL: INFORMAL

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 3

all of the above mentioned acting under the color of law have failed to: 1. staff SDCC with an ADA coordinator; 2. to ensure that Nevada Department of Corrections (NDOC), provides reasonable accommodations to adjustment to assignment, assignment of the ADA application process. SDCC agents, employees, staff, have failed to follow the "minidates" applicable to Administrative Regulation (AR) 658, causing Grievant to continue to suffer emotionally, mentally, and physically. Thus, denying Grievant the privileges of the Fourteenth (14th), United States Constitutional Amendment the rights to Due Process and Equal Protection of Law. Grievant suffers from a disability of and affecting Major Life Activities, an immune system disorder (Kummers Disease), that Grievant has been affected with for over six(6) years. Thus, since of the NDOC has failed to provide Grievant with adequate evaluation pursuant to the ADA. The Director of Medical And the Director of Nursing have failed to maintain the operation of the ADA at SDCC, as well as administrative agents, employees, and staff at SDCC of the

Original: Attached to Grievance
Pink: Inmate's Copy

DOC-3097 (01/02)

Attachment #3

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony Anderson I.D. NUMBER: 1082999

INSTITUTION: Southern Deserl. Center UNIT #: 12-A-4-D

GRIEVANCE #: INFORMAL GRIEVANCE LEVEL: INFORMAL

GRIEVANT'S STATEMENT CONTINUATION: PG. 3 OF 3

NDSC. These failures of adhering to the mandates of the clearly delineated, well established mandates of the ADA, has caused Grievant extreme distress, etc.

Remedy Sought:

Grievant seeks that SDCC of the NDSC immediately comply with the mandates of the ADA applicable to his disability, providing appropriate care, evaluation etc.

That, since the ADA is a well established federal mandate, and Grievant has suffered for over six (6) years, he additionally seeks \$ 500,000⁰⁰

Original: Attached to Grievance
Pink: Inmate's Copy

DOC - 3097 (01/02)

Attached #3

~~Exhibit # 7~~



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

ISSUE ID# 20063069964

ISSUE DATE: 08/09/2018

INMATE NAME		DOC ID	TRANSACTION ID	ASSIGNED TO
ANDERSON, ANTHONY KENNETH		1082999	RTRN_INF	SLCLARK
LEVEL	TRANSACTION DATE	DAYS LATER	FINDING	USER ID
IF	09/10/2018	5	Denied	SCOOK
INMATE CONCERN				
OFFICIAL RESPONSE				
Denied Denied \$500,000 According to your medical chart you have had Kimura's Disease since 2013 and worked on yard labor prior to taking medication for inflammation. We received a kte on 7/6/2018 requesting to see the doctor to return to work on light duty. On 8/15/2018 you saw the Doctor and only asked the Doctor about the ADA paperwork. You stated that you cannot work like you did before because of your headache and knee problem. You did not state that you think that you are disabled and need accommodations. All the times you have seen the provider you have not requested a reclassification change because of your complaints of having a medical problem and that you cannot function on this yard. The orthopedic diagnosed osteoarthritis in your knee from your MRI and the Doctor for your Kimura's disease informed you before you started taking prednisone that weight gain was a possibility, this is documented in your record. The diet you were on to help decrease weight gain you actually requested it to be changed to a low sodium not the 2000 cal diet that the Medical doctor here prescribed. You have not requested medication for your headaches or taken the medication that is as needed to help the side effects of Kimura's since before June 2018. You also have a specialist requested outside follow up which will be scheduled based on the offices availability for an appointment.				
On 8/3/2018 it was brought to Medicals attention that there is a form to fill out that you are requesting disability accommodations. That information has been passed up my chain of command for what you are requesting. You will be scheduled again to see the doctor about medication and to document your current physical limitations				

The Response above was never
delivered to the person I was
told in Medical Request on
8-3-18. By two things I Medical
told Medical does not have this
form ID Exhibit #2 found

Note all Response
in blue are in
order of facts
in Medical file
Progressive Note

GRIEVANCE RESPONDER

Report Name: NVRIGR
Reference Name: NOTIS-RPT-OR-02174
Run Date: SEP-10-18 10:58 AM

9-24-18
Page 7 of 12
1082999

Attached #3

Exhibit #8

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE CLAIM FORM**

**THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,
209.243 AND ADMINISTRATIVE REGULATION 740**

**DO NOT SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,
BOARD OF EXAMINERS, OR DIRECTOR**

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$500,000⁰⁰ is hereby made against the Department of Corrections, based upon the following facts:

1. NAME OF CLAIMANT (Please print full name)	2. I.D. #	3. INSTITUTION
Anthony Anderson	1082999	Southern Desert Correction Center
4. AMOUNT OF CLAIM	5. DATE AND DAY OF OCCURRENCE	6. TIME (a.m. or p.m.)
\$500,000 ⁰⁰	October 13 th , 2013, TUES August 2018, 18-8-18	9:30 A.M.
7. PLACE OF OCCURRENCE Nevada Department of Correction facilities		

DOC 3095 (12/01)

Attachments #3

8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

The details of this grievance are too extensive to state in the small space provided on this form. The full and complete details are provided in the attached Internal Grievance (NOC-3091, and attached NOC-3097)

Dated 8-8-18 TM 123:04

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

Medical agents, employees, and staff of the Nevada Department of Corrections, as well as administrative agents, employees, and staff of Nevada Department of Corrections.

A/R 658 A/K 658.01 A/R 658.02

A/R 658.03 A/R 658.04 A/R 658.05

A/R 658 Through A/R 658.10 AND ITS

ENTIRETY Inmate with Disability Act Act Edition 4-4054 4-4055

10. Other pertinent information:

I, Anthony Anderson, have additional civil litigation in process that is related to this matter, and upon further litigation will be incorporated to this matter case # A 761357 (SC # 7806)

Inmate with Disability Act A/K 658

was signed into full effect

By Medical Director (James Diamond) 6-12-18

as The Director of NEVADA State

Prison (James Diamond) 5-15-18 Also

SIGNED, A/K 658 into full effects

without much needed staff and information

[Redacted]

[Redacted]

Attachment

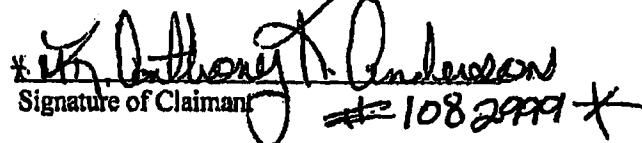
#3

STATE OF NEVADA)
COUNTY OF CLARK) SS

I, Anthony Anderson, do hereby swear under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA/DEPARTMENT OF CORRECTIONS.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

DATED this 08 day of August, 2018

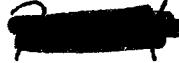

Signature of Claimant #1082999-X

NOTICE

NEVADA REVISED STATUTE 197.160 provides that every person who knowingly presents a false or fraudulent claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.00.

DOC - J095 (12/01)





Anthony #3

Exhibit #9

Thermal
Log Number 200630699604

Count#2

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE

NAME: Anthony K. Anderson I.D. NUMBER: 1082999

INSTITUTION: Southern Desert C.T.N. UNIT: 12-A-4-D

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 200630699604, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony K. Anderson #1082999 DATE: 9-24-2018

WHY DISAGREE: Reason #1 This Grievance addresses Factual Violations of A.D.A Requirements not being met of Standards by S.D.C.C

ID. Exhibit #1 found in Informal level 8-3-18 medical request form

Plaintiff request meeting with A.D.A Coordinator in Compliance with Review Panel ID (658.02 #1 ; D # 1.E) (658.03 #1.2.3) (658.04.) (658.05 #1)

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 10-8-18

FIRST LEVEL RESPONSE: _____

GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 10-8-18

INMATE AGREES INMATE DISAGREES

INMATE SIGNATURE: Anthony K. Anderson DATE: 11-9-2018

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To Inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

Received
SDCC

OCT 04 2018

AWP

DOC 3093 (12/01)

Attachment #3

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony K. ANDERSON I.D. NUMBER: 1080999

INSTITUTION: Southern Desert CTN UNIT #: 12-A-4-0

GRIEVANCE #: 20063069964 GRIEVANCE LEVEL: First level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 3

1A.B.C.D # H 1) (458-06 #2 #3. D. # E) signed into effect
by (Medical Dir. Bureau) on 6-2-18. #2 Dir. of Prisons
(Jan DURANA) of 5-15-18 in which state of Nev. & D.C.C
is not in compliance with. TO Medical Requested Response
dated 8-3-18 (Medical Does not have this form. Please
contact your Case worker) where also informed (Anderson)
This form does not exist ~~as~~ "That new compliance" with Federal law!

Reason #2 why I Disagree, upon seeing the
Doctor. I did not only ask that A.D.A paperwork
I informed the Doctor of the reason why I could
not work! (The way I did before; as stated in states
response. I informed him of our going Headlock's and knee problems
as he states in Progressive notes. "When I begin
to state" the issues concerning A.D.A Disabled
needs two accommodations. The Doctor leaves
(the examination copy) stating you must address that

Original: Attached to Grievance
Pink: Inmate's Copy

9-24-2018

DOC-3097 (01/02)

Attachment #3

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony T. Anderson I.D. NUMBER: 1082999

INSTITUTION: Southern Detention C.T.N UNIT #: 12-A-4-D

GRIEVANCE #: 20063069964 GRIEVANCE LEVEL: First Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 3

with provider you have an appointment to see
the hematologist based on availability. The hematologist
is not a ADA Coordinator for ADA Requirements
two or ADA Standards "IS MY ISSUES UNDER THE COLOR OF LAW"

#3 Why I disagree ID: IN My progressive
notes I have Requested Medication for My
Headaches over and over again AND have
only been Prescribed 800 MG IBU

As far taken the medication Prednisone this steroid
was beginning to cause nose bleeding mouth bleeding

#4 50 lb weight gain now placing me at risk of heart disease

#5 High Blood Pressure, High Blood Sugar as well as (Erectal
Disturbances) also the Reproduction Organs

SIZE REDUCTION. The DRUG, Prednisone

only keeps the facial swelling at bay but doesn't
address the root of the disease. I am again
requesting a classification change

Original: Attached to Grievance
Pink: Inmate's Copy

(TO remedy sought
Administrative claim
FDC - [REDACTED])

9-24-2018 Dated

DOC - 3097 (01/02)

Attachment #3

Exhibit #10

1st Level

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE CLAIM FORM

9-24-2018

THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,
209.243 AND ADMINISTRATIVE REGULATION 740

DO NOT SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,
BOARD OF EXAMINERS, OR DIRECTOR

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

Theology Sought

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$500,000 ⁰⁰ is hereby made against the Department of Corrections, based upon the following facts:

1. NAME OF CLAIMANT (Please print full name)	2. I.D. #	3. INSTITUTION
<u>Anthony K. TUDEN</u>	<u>1082993</u>	<u>Southern Desert Correctional Center</u>
4. AMOUNT OF CLAIM	5. DATE AND DAY OF OCCURRENCE	6. TIME (a.m. or p.m.)
<u>Five Hundred Thousand</u> <u>Thousands</u> <u>\$500,000.00</u>	<u>October 18th 2013 - Then</u> <u>(Sept 24th 2018) 9-24-18</u>	<u>1:45 PM</u>
7. PLACE OF OCCURRENCE	NEVADA Department of Corrections Facilities	

DOC 3095 (12/01)

Attachment #3

8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

The details of this grievance are to extensive to state in the small space provided on this form. The full and complete details can be provided through Doc-Form 3091 (in accordance to the Administrative Policy of only 2 continuation form in effect). The issues are provided at sent in attached 1st form.

Grievance Doc-3091 two attached Doc-3097 Dated 9-25-2018

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

Medical agents, employees, two staff of the Nevada Department of Corrections, as well as Administrative agents, employees, two staff of Nevada Department of Corrections

AR 658, 658.01 658.02 658.03 658.04

658.05 658 Through AR 658.10 two its entirety

inmates with Disability Act A.C.A 4th edition

Signed into effect 4. 4054 4-4055 Dated (5-15-18) Director of Prisons

10. Other pertinent information:

I Anthony, Anderson #1082999, have additional Civil litigation in process that is related to this matter, and upon further litigation will be incorporated to this matter. Inmates with ADA Act AR 658 was signed into effect by said Medical Dir. James Dzurenda on (5-12-18) and the Director of Prisons places ADA in full effect on 5-15-18 signed by

DIR of Prisons James Dzurenda AR 658

Attachment #3

STATE OF NEVADA)
COUNTY OF Clark)
SS

I, ANTHONY K. ANDERSON, do hereby swear under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA/DEPARTMENT OF CORRECTIONS.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

DATED this 24th day of Sept, 2018

Anthony T. Anderson
Signature of Claimant # 1082999

NOTICE

NEVADA REVISED STATUTE 197.160 provides that every person who knowingly presents a false or fraudulent claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.00.

Attachment # 3

Exhibit #11



**State of Nevada
Department of Corrections**

INMATE GRIEVANCE REPORT

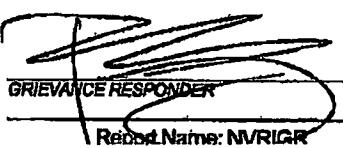
ISSUE ID# 20063069964

ISSUE DATE: 08/09/2018

ANDERSON, ANTHONY KENNETH		1082999	RTRN_L1	BGUTIERREZ	
1	10/24/2018	5	Denied	SCOOK	INACTIVE
Denied.					
I reviewed your Medical records in detail and noticed that you have seen our Provider more than 6 x for the last 6 months , you also saw a Las Vegas Specialist because our Provider referred your concerns to a Specialist. This type of care are better than the National standard of practice but you are still claiming that you were somehow neglected and no proper care were given. We have highly educated , skillful , experienced Providers that knows what they are doing and they always do what is needed and not what the patient wants. All are documented in your records. They will classify you as needed but not to the point that you WANT them to write that you are disabled for your own request.					

THIS IS NOT AN A.D.A. COORDINATOR
SEEING A MEDICAL PROVIDER IS NOT
THE ISSUES ADDRESSED IN THIS
GRIEVANCE THIS RESPONSE IS

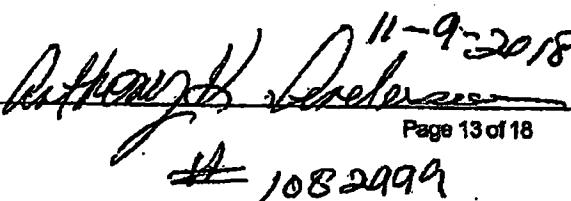
NULL & VOID I NEVER SEEN
A SPECIALIST THAT WORKS IN
THE FIELD OF SOI NOT
DISABILITY CONCERNING A.D.A
CERTIFICATIONS


GRIEVANCE RESPONDER

Report Name: NVRIGR

10/87/18

Page 13 of 18


11-9-2018
1082999

Attachment #3

Exhibit #12

Refiled

Court #3

LOG NUMBER: 20063018964

NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCENAME: Mr. Anthony K. Anderson I.D. NUMBER: 1082999INSTITUTION: Southern Desert C.I. UNIT: 12-A-4-DI REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063018964, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony K. Anderson DATE: 1-9-19WHY DISAGREE: S.E.E. - Formal Grievance : Exhibit # 1 Date 8-3-18"Plaintiff only Request" ADA Accommodations, to see ADA Coordinator. This in compliance with A.D.A Review Panel
"quote Medical Dept at S.D.C.C. States plain two (2) x
Medical doesn't have any ADA Days, please contact your Case workerGRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 1009

SECOND LEVEL RESPONSE:

GRIEVANCE UPHELD Mr. Henn GRIEVANCE DENIED MD ISSUE NOT GRIEVABLE PER AR 740
SIGNATURE: Mr. Henn TITLE: MD DATE: 3/27/19GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 1009INMATE SIGNATURE: [Signature] DATE: 1009

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original:	To Inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

Received
SDCC

JAN 25 2019

AWP

DOC 5084 (12/01)

Attachment #3

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony H. Anderson I.D. NUMBER: 1082999

INSTITUTION: Southern Nevad CTN UNIT #: 12-A-40

GRIEVANCE #: 20063069964 GRIEVANCE LEVEL: 2nd

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 2

#1 IN which the assigned case worker for unit 12, states He doesn't have a clue what (A.O.A paper work looks like) #2 IN response to level #1 GRIEVANCE report Assigned to "BGUTIERREZ" 8-9-18 N.D.O.C Grievant Coordinator DOES NOT ADDRESS The A.O.A ISSUES presented FOR 1 level Review
Here Plaintiff NEVER ADDRESSED SEEING a Medical provider NOR HAS Plaintiff ADDRESSED Medical NEGlect "IN THIS GRIEVANCE" as stated by Grievant Coordinator BGUTIERREZ IN N.D.O.C Response on 8-9-2018

NEVADA Dept of corrections Response is NOT what ANDERSON (Grievant) ANDERSON Clearly Addressed N.D.O.C IS NOT IN Compliance with A.O.A Requirements AND Standards Found in AR 658.02 #1; D# 1E, 658.03 #123, 658.04, 658.05 #1; ABCD # H 1, 658.06 # 1 #3.0 #2
IN Compliance with A.O.A Review Rule
Signed into Effect By Dir James Devenish 5-15-18

Original: Attached to Grievance
Pink: Inmate's Copy

DOC-3097 (01/02)

Attachment # 3

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony Anderson I.D. NUMBER: 1082999

INSTITUTION: Southern Desert CIN UNIT #: 12-A-4-D

GRIEVANCE #: 2021e309964 GRIEVANCE LEVEL: 2nd

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

As, Anderson has spoken with Dr. pena R.M.D., Dr. lindsay H.M.D., and Dr. G. Timothy Kelly M.D. During visits with them quote, as all above has stated they all confirm the same answer (we ARE NOT OK) should I say each Doctor states) I AM NOT an A.D.A. COORDINATOR NOT I AM I IN COMPLIANCE WITH A.D.A. RULES OR FEDERAL LAWS THAT GOVERN A.D.A. CLAIMS AND EACH DR. STATE THEY CANNOT TWO WILL NOT CROSS THAT LINE. THE FACT KEEPIN THAT N.D.O.C. ERRORS IN 1st LEVEL RESPONSE AS STATED BY: Blutierrez has placed ANDERSON IN IMMEDIATE DANGER OF FUTURE SSI PLACEMENT AND DEPRIVED ANDERSON OF DUE PROCESS CONCERNING A.D.A. CLASSIFICATION. QUOTE: Blutierrez Response They will classify you as needed but not to the point you want for your own request. FACT N.D.O.C. DOESN'T HAVE AN A.D.A. COORDINATOR

Original: Attached to Grievance
Pink: Inmate's Copy

DOC-3097 (01/02)

Attachment # 3

Exhibit # 13

2nd level

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE CLAIM FORM

THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,
209.243 AND ADMINISTRATIVE REGULATION 740

DO NOT SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,
BOARD OF EXAMINERS, OR DIRECTOR

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

~~The Money Sought~~

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$500,000 ⁰⁰ is hereby made against the Department of Corrections, based upon the following facts:

1. NAME OF CLAIMANT (Please print full name)	2. I.D. #	3. INSTITUTION
Anthony K. Anderson	1082999	S. D. C.C.
4. AMOUNT OF CLAIM Five Hundred Thousands 45 Dollars	5. DATE AND DAY OF OCCURRENCE From Date of Effective 5-15-18 until Present	6. TIME (a.m. or p.m.) 200 P. M.
7. PLACE OF OCCURRENCE Southern Desert Correction Center Nevada Dept. of Corrections		

1-9-2019

Attachment # 3

8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

The Details of This Grievance are to extensive To
State in The Small Space provided on
This Form SEE all levels of Grievance,
Internal 1st level 2nd level)

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

Medical agents Employee's two Staff of The Nevada
Department of Corrections as well as Administrative Agent
Employee's two staff of Nevada Department of Corrections
AR 658, 658.01 658.02 658.03 658.04
658.05 658 Through AR 658.16 two its Entitled
INmate with Disability Act A.C.A 4th Edition
Signed into Effect 5-15-18 4.4054 4-4055

10. Other pertinent information:

→ Anthony D. ANDERSON #1082995 have Addictions 1
civil litigation in process that Related To
This pattern and equal treatment litigation
will be Incorporated To This pattern
inigate with A.D.A Act AR 658

Attachment #3

STATE OF NEVADA)
COUNTY OF Clark) SS

I, Anthony K. Anderson, do hereby swear under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA/DEPARTMENT OF CORRECTIONS.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

DATED this 9th day of May, 2018
9th 2019

Anthony K. Anderson
Signature of Claimant

NOTICE

NEVADA REVISED STATUTE 197.160 provides that every person who knowingly presents a false or fraudulent claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.00.

DOC - 3095 (12/01)

Attachment #3

Exhibit #14



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

ISSUE ID# 20063069964

ISSUE DATE: 08/09/2018

INMATE NAME	INVOICE NUMBER	TRANSACTION TYPE	ASSIGNED TO		
ANDERSON, ANTHONY KENNETH	1082999	RTRN L2	MMNEV		
LEVEL	TRANSACTION DATE	DAY STATUS	CHARGING FACILITY	USER ID	PERIOD STATUS
2	08/18/2018	Denied	VAUSTIN		INACTIVE
OFFICIAL RESPONSE					
<p>Denied You were seen 8/28/2018 for your grievance request of ADA accommodations, and again on 10/18/2018 by a Doctor. No changes were made to your medical classification and no documentation that it was determined that you have a disability. You were seen again on 1/23/2019 by the Nurse practitioner who renewed pain medication ISU 800MG for your complaints of headache, knee pain / fecal pain. Last files submitted by you after these medical visits are for dental and renewal of ISU. You have not stated what you think are your functional limitations are or what accommodations medically you need. You will be seen by a provider and be evaluated/examined. If it is determined your classification is incorrect then it will be changed and a reclassification of your medical restrictions will be completed.</p>					

Again N.O.O.C Avoid S
Addressing A.D.A ~~Temporary~~
Accommodation UNDER ATR 658
This Response is again Not
what Grievance 20063069964
Addressed

SEE ANDERSON'S
Medical Files AND
Progressive Note's
Vol #1 Vol #2 Vol #3 Vol #4

GRIEVANCE RESPONDER

Report Name: NVRIGR
Reference Name: NOTIS-RPT-OR-0217.4

Page 1 of 5

Attachment #3

Exhibit # 15

PRINT NAME <u>Matthew K. Anderson</u> (Also print name and ID# at bottom of form where indicated)		A.S.A.-P Please Respond	
Institution: <u>Southern State</u> Date submitted: <u>2/22/2019</u>		ID#: <u>1082999</u>	DOB: <u>9/11/1964</u>
Medical: <input checked="" type="checkbox"/> Dental: <input type="checkbox"/> Mental Health: <input type="checkbox"/> Nursing: <input type="checkbox"/>		Signature: <u>M. K. Anderson</u>	
Reason for request: (Describe below)		Other: <u>above move to H.D.S.P</u>	
<p><u>To whom it may concern as of 2-19-19 I was made trustee. That my needed surgery for (carpal tunnel syndrome) in the right hand was approved at the specialist level. I am informing N.D.C. S.D.C.C. that after this surgery I am requesting to return to my assigned unit #12 at S.D.C.C. which is not a Host environment and I can receive S.F.I. I waive any recovery at this will sign (initials) DO NOT WRITE IN AREA BELOW To Recover at S.D.C.C.</u></p>			
Response to request			
<p>The schedule is based on priority of needs & current waiting time. You are on the reclassification list. Please wait up to <u>6</u> weeks. Thank you.</p>			
<p><input type="checkbox"/> Appointment Schedule for: <u>1/1</u> Rescheduled for: <u>1/1</u></p> <p><input type="checkbox"/> No visit necessary</p> <p><input type="checkbox"/> No Show for Appointment</p> <p><input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed</p>			
<p>PREScriptions</p> <p><input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP</p> <p><input type="checkbox"/> Order Date: <u>1/1</u></p>			
<p>PLAN</p> <p><input type="checkbox"/> Follow-up appointment <u>1/1</u> <input type="checkbox"/> Return if needed <u>2/22/19</u></p> <p><input checked="" type="checkbox"/> No follow-up required</p> <p>Signature/Title of Provider <u>M. K. Anderson</u></p> <p>Date <u>1/1</u></p>			
<p>NEVADA DEPARTMENT OF CORRECTIONS</p> <p>MEDICAL KITE and/or SERVICE REPORT</p>			
<p>NAME: <u>Anderson, Matthew K.</u> Last <u>K</u> First <u>M.</u> MI <u></u> ID#: <u>1082999</u> Unit/Cell#: <u>12-A-4-D</u></p>			

Attachment # 4

~~Exhibit # 16~~

MOVED EXHIBIT
TO
CAVEAT

ITEMS TO BE PRODUCED

#1 NEVADA Dept of Corrections SOUTHERN DESERT C.T.N OFFICE AND location
Information CONCERNING [A.D.A] MANDATED CERTIFIED [A.D.A] COORDINATORS
Declassifications Protocol CONCERNING NK 658 in its ENTITIY

#2

[A.D.A] FORMS Maintained in [Anthony K. Anderson #1082999
Medical File stored in [S.D.C.C] Medical Dept Records
Foxy SIGNED AND Filled out (9-11-2019) AND SIGNED
By A ONE Employee DR Henry Landseyon PREPARED
By A ONE Employee "Sonya Camillo Charge Nurse" S.D.C.C

#3 "DR Henry Landseyon" Certified Notarized copy of
"Curriculum Vitae" AND Residence with Certification
IN "Medical Decree" AND Treatment Protocol
Issued By NEVADA Medical BOARD Physicians and Surgeons Dept.

#4 "A Legal stamp filed" Notarized copy of DR Landseyon
The Application of any remedy CONCERNING
The Application of Physicians AND Surgeons Certificate
Pursuant To Professions AND Professions Business Code
Sections 141 AND 2305 For The Same Incident

#5 Copy of Landseyon Nevada Certificate of
Physicians AND Surgeon CERT Valid From Date of HIRE until Present

#6 A written copy of N.D.O.C S.D.C.C. Classified
Reason of "Employment TERMINATION" From [N.D.O.C]
"2-19-2020" TERMINATED Employee (Henry K. Landseyon)

#7 A full Complete Copy of ANDERSON #1082999 N.D.O.C
MEDICAL File Vol#1 Vol#2 Vol#3 Vol#4 in ENTITIY Medical
AND Mental

EXHIBIT "A"
NEVADA RULES OF CIVIL PROCEDURE

Rule 45

(c) Protection of Persons Subject to Subpoena.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,

the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT "B"
CERTIFICATE OF CUSTODIAN OF RECORDS

STATE OF NEVADA)
COUNTY OF _____) ss.
)

Case No.: _____

NOW COMES _____, (name of custodian of records), who after first being duly sworn deposes and says:

1. That the deponent is the _____ (position or title) of _____ (name of employer) and in his or her capacity as _____ (position or title) is a custodian of the records of _____ (name of employer).
2. That _____ (name of employer) is licensed to do business as a _____ in the State of _____.
3. That on the _____ day of the month of _____ of the year _____ the deponent was served with a subpoena in connection with the above-entitled cause, calling for the production of records pertaining to _____

4. That the deponent has examined the original of those records and has made or caused to be made a true and exact copy of them and that the reproduction of them attached hereto is true and complete.
5. That the original of those records was made at or near the time of the act, event, condition, opinion or diagnosis recited therein by or from information transmitted by a person with knowledge, in the course of a regularly conducted activity of the deponent or _____ (name of employer).

Executed on: _____
(Date)

(Signature of Custodian of Records)

SUBSCRIBED AND SWORN to before me this

____ day of _____, 20 ____.

NOTARY PUBLIC in and for the
County of _____, State of _____.

Attachment #5

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Notice of Subpoena
(Title of Document)

filed in District Court Case number A-19-795566-C

Does not contain the social security number of any person.

-OR-

Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant. Open

Anthony K. Anderson
Signature

12-21-2020
Date

Anthony K. Anderson
Print Name

Pro SE
Title

PRINT NAME: <u>John K. Anderson</u>	ID#: <u>1082999</u>
(Also print name and ID# at bottom of form where indicated)	
Institution: <u>SDCC</u>	Date submitted: <u>4/17/2019</u>
Medical: <input checked="" type="checkbox"/>	Dental: <input type="checkbox"/>
Mental Health: <input type="checkbox"/>	Nursing: <input type="checkbox"/> APR 17 2018 Other: _____
Reason for request: (Describe below)	
<p>To whom it may concern I was informed 4-17-19 By SDCC Medical staff that I must be able To fill out the requested A.D.A Days at this time Friday is the requested Day without an A.D.A coordination</p>	
DO NOT WRITE IN AREA BELOW	
Response to request:	
<p>You have been placed on nursing sick call. Please wait, as schedule is permitted by priority of request/situation and order. Thank you.</p>	
<input type="checkbox"/> Appointment Schedule for: <u> / / </u> Rescheduled for: <u> / / </u> <input type="checkbox"/> No visit necessary <input type="checkbox"/> No Show for Appointment <input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed	
PRESCRIPTIONS	
<input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP <input type="checkbox"/> Order Date: <u> / / </u>	
PLAN	
<input type="checkbox"/> Follow-up appointment <u> / / </u> <input type="checkbox"/> Return if needed <input type="checkbox"/> No follow-up required	
<u>John K. Anderson</u> Signature/Title of Provider	
<u>4/17/19</u> Date	
NEVADA DEPARTMENT OF CORRECTIONS MEDICAL KITE and/or SERVICE REPORT	
NAME: <u>Anderson John K.</u> Last: <u>Anderson</u> First: <u>John K.</u> MI: <u></u> ID#: <u>1082999</u> #: <u>12-A-4-D</u>	

Attachment #6

Exhibit # 93



Cover Sheet

BEGIN Claiy
2

CLAIM 2

The following civil rights have been violated: 8th Amendment Circle and Unlawful Punishment UND0 PAIN AND SUFFERING AS A RESULT OF MEDICAL MAL- PRACTICE FROM 2013 until PRESENT Day

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

Starting Date was (October 13th 2013) NEVADA Dept. of Corrections Southern Desert C.T.N. medical Department under the control of Then Warden Brian Williams and Then Medical Doctor Romeo Aranas. Which DR Aranas was the Serving Doctor IN Charge of Plaintiff's Illness During Medical Discovery of Plaintiff's Illness as DR Aranas was also in control of Plaintiff's MEDICATIONS AND Diagnostical ENGINE CONCERNING Plaintiff's Problems AND SERVING TO DISTINGUISH OR IDENTIFY yielding a Diagnossis OR Prescription TREAT MEDICINALLY TO IMPREGNATE with a MEDICINAL SUBSTANCE TO PREVENT ALLEVIATION, OR CURE OF DISEASE. AND (SON STATE'S UNDER THE COLOR OF law, WITH GOOD CAUSE SHOWN [N.D.O.C.] [S.D.C.C] HAD COMPLETE KNOWLEDGE OF HIS ILLNESS / CONVICTION AFTER SURGERY IN 2013 AND FROM OCT 13, 2013 UNTIL THE SUMMER OF 2017 THEIR WHERE NO MEDICATIONS PRESCRIBED

Claim # 2

N.D.O.C was Already in violation of Neglect and Delay with a Denial. Not to get two Tally Health care with DR Troyo Arkansas Decisions not to prescribe any medications to Banish, cure or Hold ANDERSONS ILLNESS at Bay. Totally in opposition of THE SURGEON whom performed ANDERSONS SURGERY DR Philip S. SCHLAGER YES TROY

October 13th 2013 until 4:0 SUMMER 2017 ANDERSON received Nothing to stop The Tumor Return causing ANDERSON TO lose "CONSCIOUSNESS" not once but twice as ANDERSON Medical Records reflect. when The NOT REFERRED DR TROYO ARKANS Stated its Nothing ONLY Scar Tissue which was "ERROH". This Said Scar Tissue now caused a problem ANDERSON DIDNT have. Before HAVING Damage To His Right Ear. Due to internal Ear canal Damage Thats UNRepairable which again DR ARKANS states This Damage is DUE to constant swelling of The Ear Canal. This UNDO pain and suffering was caused By 4 1/2 years of Delay and Denial of any medications

Now (5) five years later IN The year of ON or About "2017" 4:0 SUMMER UNDER Color of law [N.D.O.C] [S.D.C.C] ASSIGNED a ONE To wit Senior Doctor MR Henry Lansdown ASSIGNED under color of law By (DR Dzurenda) AND WRDEN (Jenny Howell). 19

Claim # 2

AS SENIOR DOCTOR OVER ANDERSON'S MEDICAL CASE,
WITH [S.D.C.C] MEDICAL UNIT AS HIS LANDSHAN'S OPERATIVE
OFFICE FOR CONTACT WITH ANDERSON IN WHICH MR LANDSHAN
IS TWO WAS A "MEDICAL WIMP" NOT HAVING
A VALID MEDICAL PHYSICIAN AND SURGEON'S CERTIFICATE
TO PRACTICE, PURSUANT TO BUSINESS AND PROFESSIONAL
CODE SECTIONS 141 AND 2305 SEE: Henry Landsham
VS. MEDICAL BOARD OF CALIFORNIA UNITED STATES DISTRICT
COURT FOR DISTRICT OF NEVADA 2016 US Dist LexUS
86074 CASE NO 2:15-cv-1470-JCM (NJK) ON
- SEPTEMBER 24th 2013 - THE MEDICAL BOARD PROHIBITED
HENRY LANDSHAM FROM PRACTICING MEDICINE AND
REVOKED SURGEON'S CERTIFICATE ON - JULY 29th 2013 -
SEE: ALSO BOARD OF MEDICAL EXAMINERS, STATE OF
NEVADA CASE # 11-5951-1 + SEPARATE ISSUE NOT
RELATED TO THE ABOVE CASE BUT A PATTERN OF
MAL-PRACTICE - THE RECORD REFLECTS ON 2-19-2020
MR LANDSHAM WAS TERMINATED BY N.D.O.C. AFTER
ANDERSON'S DISCOVER TWO OFFENSES FOR MEDICAL MAL-PRACTICE
CONCERNING LANDSHAM. WITH-OUT LANDSHAM STATING
HIS CURRENT LICENSE REVOKATION IN THE STATE
OF CALIFORNIA USE'S THE STATE OF NEVADA AS
"TRASH CAN" WITH ANDERSON AS HIS "DUMP SITE"
WITH-OUT KNOWLEDGE THAT NEVADA IS AN IMPROPER
VENUE. SO LANDSHAM ATTEMPTS TO DEFY HIS
REVOKATION BY USING [N.D.O.C]

Claim # 2

AS an, ~~Shield~~ To Protect Landsyan From
EXPOSURE of a REVOKED LICENSE as Landsyan
FINDS a loop -HOLE in The [N.D.O.C.] HIRING
Background CHECK for Doctors. [N.D.O.C.] MUST
UNDERSTAND THERE'S NO IMMUNITY CONCERNING
"FRAUD" By TWO Through Medical Mal-practice, TWO
OR usurpation - Landsyan MUST FIRST satisfy
California's Revocation Before Applying or Working
IN NEVADA with "BAD PAPER WORK". Here
[N.D.O.C] [S.D.C.C] PLACED ANDERSON IN
IMMEDIATE DANGER OF life AND limb AS THEY DID
NOT FOLLOW ANY LICENSE Re-ISSUE protocol to Landsyan
CANNOT ACQUIRE a medical lic IN California AND THERE'S
NO EVIDENCE THAT Landsyan HAD possession of
Any VALID Medical lic NOR DID Landsyan Defect
The Revocation of His Medical Certificate
IN California But with More Than 3 Medical mal-practice
Separate ISSUES Even in Nevada a Re-ISSUE is
IMPOSABLE.

HERE ANDERSON ALSO Complaints of Medical
Mal-practice CONCERNING HIS Landsyan UPON
Landsyan's Medical ORDER 2017 Prednisone
IN which Prednisone is a SHORT TERM
Steroids⁽⁵⁾ NOT Recommended FOR long TERM
USE. Here Landsyan UPS ANDERSON DOSE.

Class #2

Troy 5mg To 20 mg after long term use
Anderson's Illness No longer exists - which THIS
STRONGER DOSE CAUSED UNREPAIRABLE REPRODUCTIVE
SYSTEM DAMAGE FOR LIFE #1 MASSIVE SIZE LOSS
#2 NO EXCITEMENT OR STimulation IN The productive organs
IN - which Plaintiff DID NOT SUFFER until The
(3) THIRD year of STEROIDS OF THE (5) Five years
Plaintiff Has Been Prescribed Predison, Plaintiff Also
INFORMED [N.D.O.C] That Predison No longer works
which N.D.O.C Medical Staff That Predison No
longer works; still N.D.O.C won't OFFER ANDERSON
Any other DRUG, May The Records Reflect The DRUG
Predison only HIDE The EFFECTS OF The ILLNESS
at Bay NEVER ADDRESSING THE Root of The
CAUSE!

ANDERSON Now SUFFERS MEDICAL ISSUES
He DIDN'T SUFFER Before as a Result of MR Landsman's
MEDICAL Mal Practice Due To Continued long
TERM USE OF a Short TERM DRUG - The Records
reflects MR Henry Landsman's UN-AUTHORIZED INCREASED
(Predison Dosage From 5MG To 20 MG)
Without DR Kelly's Authorization DR Kelly
Was Totally against MR Landsman's INCREASED
Dosage.

Claim #2

Dr Kelly The Specialist In My Illness Explained During my last visit That 20 MG OF Precision is Not Recommended AND OFFERS landsman To Reduce The Dosage Back To 5 MG

The Following Shows Mr Landsman Medical Mal-practice Caused ANDERSON, To Be Placed in imminent Danger of life AND limb WONTON Infliction of and Pain Mental Injury further Physical Injury usurpation with a Deliberate Indifference

FINDINGS of Fact

Landsman placed ANDERSON in imminent Danger of INTERNAL BODY Parts AND PERHINATE EXTERNAL Organ Damages to ANDERSON Reproductive System with Delay and Denial of any other Drug To Banish or attack ANDERSONS Kikuyus Disease N.D.C. waited 4½ years Before Administraing any Medication Forcing ANDERSON To UNDER-GO 2000 pain and suffering After The Biopsy of October 13 2013 Found Kikuyus Disease ANDERSONS NICK Swelling was so Advanced as a result of [N.D.C.] Bias AND Prejudiced Negligence To ANDERSONS Disease

Claim # 2

"Drug Information" Corticosteroids Prednisolone
IS The Strongest Drugs Available FOR ONLY
Reducing Inflammation in The Body They are useful
IN Conditions in conditions which Inflammation OCCURS
INCLUDING Rheumatoid Arthritis

Prednisolone is only used to clear Inflammation NOT TO
Blemish The Root of The Cause NOR as a life Time
Treatment for The Cause of The Illness ANDERSON was
placed on Prednisolone (JUNE OF 2017) That's 4 1/2 years
of steroid usage with very Harmful IRREVERSIBLE
Damage That ANDERSON was not effected by before
long Term Prednisolone use was ordered which Prednisolone
IS Best Effective Short Term This Drug is very Harmful
with continued use

LONG TERM USE OF Prednisolone TEND TO Become less
Effective OVER-time which long TERM use has lead
To DANGEROUS SIDE Effects in ANDERSON'S
Body involving EVERY ORGAN including The largest
organ ANDERSON SKIN which has been stretched
and enlarged to suit a 87 pound Growth
Consequently Doctors RESERVE Prednisolone (Corticosteroids)
For Short Term last resort use (5) years is not
Short Term argued ANDERSON

Claim #2

Continued Prednisolone USE Has Caused ANDERSON
To SUFFER

#1 Reproductive Gynecomastia DISORDERS

NO STERLING MASSIVE SIZE LOSS

#2 Diabetes Medication
METFORMIN

#3 Damage To The Adrenal Glands

#4 THINNING SKIN

#5 SWOLES THAT DON'T HEAL

#6 BLOOD IN STOOL

#7 MOON FACE

#8 KNEE JOINT DAMAGE

#9 HEART DAMAGE, NIGHT EATING

#10 POOR WOUND HEALING

#11 LOSS OF CALCIUM FROM BONES

#12 NINTH POUND WEIGHT GAIN

#13 SEVERE MENTAL DISORDERS

Prednisolone Long Term USE Has Thyroid suppressive
SERIOUS LIFE LONG SIDE EFFECTS ANDERSON
Now Suffers The Above Mentioned IN
which ANDERSON DID NOT SUFFER ANY
OF THE ABOVE Before Continued Prednisolone
USE Due To Medical Mal-Practice

Claim #2

Page #25 IS The End OF Claim #2
SEE Attachment Supporting Framework

Attachment #1

Dr. Kelly CONCERN INCREASE Dosage (By Lansdowne
Side Effects)

Attachment #3

Prescription labels Lansdowne INCREASE Dosage

20 MG

Attachment #4

Request Slip Informing N.O.C. Predison

NO longer works

Attachment #5

Request Informing N.O.C. Male problem

two continued knee swelling

Attachment #6

Request Report Headache numbers

low testosterone level

Attachment #7

Request Report Informing N.O.C.
Predison is Not as Effective fight EAT
problems

Attachment #8

Request Report

Request New Drug

Claim # 2

Attachment # H

Henry Lanskyans Revocation of
Medical lic Case # 2:15-cv-1470 JCM (NJK)

HMO Copy

Attachment # I

Henry Lanskyans charges Complaint NOVADT

Medical Board HMO Copy # 11-5951-1

Attachment # J

HMO Copy Henry Lanskyans v
Medical Board of California

Attachment # K

Grievance concerning Lanskyans Detrmination

Attachment # L

Grievance Harmful Side Effect of predison

Attachment # M

Grievance Explaining I never
Refused to see a Doctor

Attachment # N

Request Report Requesting Confirmation

Attachment # O

Request Report Predison No longer works
NEED NEW Prescription

Attachment # P

Medical Examiners Report TWO Conjoint
3RD Issue with Henry Lanskyan

G. TIMOTHY KELLY, M.D
Board Certified Rheumatology
Fellow, American College of Rheumatology

7200 Cathedral Rock Drive, Suite 110.

Las Vegas, NV 89128

(702) 341-5444

(702) 341-5445

June 29, 2020

Mr Anthony Anderson,
#1082999
Southern Desert GTN

Dear Mr Anderson,

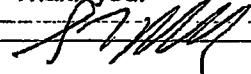
I am in receipt of your letter dated June 17, 2020 concerning Your Kimura disease diagnosis. You certainly may be having side effects from the steroids used to treat your disorder. In particular you mention urinating 12 times a nite.

As we have discussed in the past, the prednisone is best minimized. If a person takes more than 5 mg day of prednisone, undesirable side effects can occur.

Due in particular to your frequent night time urination, I believe you need to be evaluated for possibly having diabetes.

I am sending a copy of your June 17 letter to medical. They also are being a copy of this letter. Your prednisone dose should be no more than 5 mg day. I strongly suggest you see medical for a diabetes evaluation. I will be pleased to see you in the future at my office as circumstances allow.

Thank you.


GT Kelly, MD

cc: Department of corrections SD infirmary GTN

Claim #2
Attached

COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>Items 1, 2, and 3. Your name and address on the reverse so we can return the card to you. Put this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature <i>Sheri Glens</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
1. Article Addressed to:		B. Received by (Printed Name)	
<p><i>DR Timothy Kell</i> 7200 CATHEDRAL ROCK DRIVE Suite #110 Las Vegas NEV 9590 9402 3483 7275 7826</p>		C. Date of Delivery	
<p>2. Article Number (Transfer from service label)</p> <p><i>7039 0700 0001 6423 7427</i></p>		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
<p>PS Form 3811, July 2015 PSN 7630-02-000-9053</p> <p>Domestic Return Receipt</p>			

STATE OF NEVADA
DEPARTMENT OF CORRECTIONS
INMATE ACCOUNT TRANSACTION
REQUEST

Date: *June 11, 2020* R.M. 2462105

To: Inmate services

I hereby authorize my account to be charged in the amount
of \$ *9.50* *(Nine and 50/100 Dollars)*.

Please pay to: *DOC*

Signature: *Anthony G. Anderson*

Print name: *Anthony G. Anderson*

ID No. *1032799* Institution: *DOC*

Approved by: _____

Transfer	Purchase Order	Postage	Other
		<i>3</i>	

White
Canary
Pink

Inmate Services
Institution Copy
Inmate

DOC 509 (Rev.2/06)

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®	
OFFICIAL USE	
Certified Mail Fee <i>6.40</i>	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (handcopy) \$ <i>0.00</i> <input type="checkbox"/> Return Receipt (electronic) \$ <i>0.00</i> <input type="checkbox"/> Certified Mail Restricted Delivery \$ <i>0.00</i> <input type="checkbox"/> Adult Signature Required \$ <i>0.00</i> <input type="checkbox"/> Adult Signature Restricted Delivery \$ <i>0.00</i>	
Postage <i>.70</i>	
Total Postage and Fees <i>7.10</i>	
Sent To <i>DR Timothy Kell</i> Street and Apt. No., or PO Box No. 7200 Cathedral Rock Drive City, State, Zip Code <i>Las Vegas NV 89129</i>	
PS Form 3800, April 2015 PSN 7630-02-000-9047 See Reverse for Instructions	

Class #2
mail
Attachment A

G. TIMOTHY KELLY, M.D.
7200 Cathedral Rock Dr #110
Las Vegas, NV 89128

Las Vegas NV 89128

Ull-B-3-E

claim #2

Attachment A

Mr Anthony Anderson #1082999
Southern Desert Correctional Center
PO Box 205
Indian Springs NV 89078

89078-

||||| ||| ||| ||| ||| ||| ||| |||

36

W W O N M C O N N
Date 9 0 77
CORPORATION OF NEVADA

CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

Rx #: 325188 KOP
AUGUSTINE, T MD 4/8/2020

ANDERSON, ANTHONY
SDCC U12 A 4 D 0001082999
TAKE 2 TABLET(S) EVERY
DAY AS NEEDED FOR
HEADACHE

RPh/Tech: KLC/KLC

QTY: 40 ACETAMIN/ASA/CAFFEINE PLU
THIS MEDICATION IS A WHITE, ROUND, TABLET, FILM-COATED IMPRINTED WITH
"44 150 ON ONE SIDE"
Mfg: MAJOR PHARMACEUTICALS
Exp: 04/08/21
This RX may not be transferred.
1 Refills by: 06/08/20

CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

Rx #: 325188 KOP
AUGUSTINE, T MD 3/12/2020

ANDERSON, ANTHONY
SDCC U12 A 4 D 0001082999
TAKE 2 TABLET(S) EVERY
DAY AS NEEDED FOR
HEADACHE

RPh/Tech: KKK/KK

QTY: 40 ACETAMIN/ASA/CAFFEINE PLU
THIS MEDICATION IS A WHITE, ROUND, TABLET, FILM-COATED IMPRINTED WITH
"44 150 ON ONE SIDE"
Mfg: MAJOR PHARMACEUTICALS
Exp: 03/12/21
This RX may not be transferred.
2 Refills by: 05/08/20

CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

Rx #: 325188 KOP
AUGUSTINE, T MD 5/6/2020

ANDERSON, ANTHONY
SDCC U11 B 2 E 0001082999
TAKE 2 TABLET(S) EVERY
DAY AS NEEDED FOR
HEADACHE

RPh/Tech: LF/LF

QTY: 40 ACETAMIN/ASA/CAFFEINE PLU
THIS MEDICATION IS A WHITE, ROUND, TABLET, FILM-COATED IMPRINTED WITH
"44 150 ON ONE SIDE"
Mfg: MAJOR PHARMACEUTICALS
Exp: 05/06/21
This RX may not be transferred.
2 Refills by: 06/06/20

CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

Rx #: 342853 KOP
AUGUSTINE, T MD 6/8/2020

ANDERSON, ANTHONY
SDCC U11 B 2 E 0001082999
TAKE 2 TABLET(S) EVERY
DAY AS NEEDED FOR
HEADACHE

RPh/Tech: LF/LF

QTY: 40 ACETAMIN/ASA/CAFFEINE PLU
THIS MEDICATION IS A WHITE, ROUND, TABLET, FILM-COATED IMPRINTED WITH
"44 150 ON ONE SIDE"
Mfg: MAJOR PHARMACEUTICALS
Exp: 06/08/21
This RX may not be transferred.
2 Refills by: 08/18/20

Take This Medicine Before A Meal Or
As Directed By Your Doctor.

Caution: Nonprescription Drugs May
Contain Alcohol Or Other Medicinal Drugs.

Rx #: 291582

CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

Rx #: 291582 KOP
AUGUSTINE, T MD 2/4/2020

ANDERSON, ANTHONY
SDCC U12 A 4 D 0001082999
TAKE 2 TABLET(S)
(40MG) EVERY DAY

RPh/Tech: KLC/KLC

QTY: 60 OMEPRAZOLE 20MG CAP
THIS MEDICATION IS A LIGHT BLUE, OVAL, CAPSULE IMPRINTED WITH "G31 ON ONE SIDE"
Mfg: GLENMARK PHARMACEUTICALS
Exp: 02/04/21
This RX may not be transferred.

CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

Rx #: 291582 KOP
AUGUSTINE, T MD 4/8/2020

ANDERSON, ANTHONY
SDCC U12 A 4 D 0001082999
TAKE 2 TABLET(S)
(40MG) EVERY DAY

RPh/Tech: KLC/KLC

QTY: 60 OMEPRAZOLE 20MG CAP
THIS MEDICATION IS A LIGHT BLUE, OVAL, CAPSULE IMPRINTED WITH "G31 ON ONE SIDE"
Mfg: GLENMARK PHARMACEUTICALS
Exp: 02/04/21
This RX may not be transferred.

CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

Rx #: 315076 KOP
AUGUSTINE, T MD 4/8/2020

ANDERSON, ANTHONY
SDCC U12 A 4 D 0001082999
TAKE ONE
TABLET(S) EVERY
DAY

RPh/Tech: KLC/KLC

QTY: 315078 PREDNISONE 20MG TAB
THIS MEDICATION IS A PEACH ROUND, TABLET, SCORED IMPRINTED WITH "TL 174" ON ONE SIDE
Mfg: CADISTA
Exp: 04/26/21
This RX may not be transferred.

CAUTION: Federal law PROHIBITS the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

Rx #: 315076 KOP
AUGUSTINE, T MD 4/8/2020

ANDERSON, ANTHONY
SDCC U12 A 4 D 0001082999
TAKE ONE
TABLET(S) EVERY
DAY

RPh/Tech: KLC/KLC

QTY: 315078 PREDNISONE 20MG TAB
THIS MEDICATION IS A PEACH ROUND, TABLET, SCORED IMPRINTED WITH "TL 174" ON ONE SIDE
Mfg: CADISTA
Exp: 04/26/20
This RX may not be transferred.

Pain
Head
Dr Landshon
Illegal
Upred
Steroid
Dosage
By 15%
4-8-2020 - How Landshon?
Fraud
Medical Prescription
Attachment #3
Was Terminated (2-19-2020)
He was NO LONGER EMPLOYED
By N.D.O.G ON 4-8-2020

CAUTION: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

KOP

Rx #: 281335
ANDERSON, ANTHONY
SDCC L12 A 4 D 0001082999
TAKE 2 TABLET(S)
TWICE DAILY AS
NEEDED

LANDSMAN, H MD

10/29/2019

RP : Test 4444

QTY: 60 ACETAMINOPHEN 325MGTAB
DESCRIPTION NOT AVAILABLE
NDC:51645-0703-10
2 Refs by 03/29/20
This RX may not be transferred.

Rx #: 281335

CAUTION: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed.
NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

KOP

Rx #: 301938
ANDERSON, ANTHONY
SDCC L12 A 4 D 0001082999
APPLY TO AFFECTED
AREA(S) TWICE DAILY
90 DAYS SUPPLY

OMANDAC, S NP 1/5/2019

KOP

QTY: 80 TRIAMCINOLONE 80GM 0.1%CI

THIS MEDICATION IS A WHITE, CREAM

NDC:45802-0064-36

Vg: C AY PHAR AF

2 Refs by: 03/30/20

Exp. 12/24/20

This RX may not be transferred.

CAUTION: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed.
NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

KOP

Rx #: 301937
ANDERSON, ANTHONY
SDCC L12 A 4 D 0001082999
TAKE 2 TABLET(S) EVERY
DAY AS NEEDED FOR
HEADACHE

OMANDAC, S NP 1/5/2020

KOP

QTY: 60 ACETAMIN/ASA/CAFFEINE PLU
NDC:00904-5135-59
1 Refs by: 03/03/20
May Cause Dizziness

Vg: MAJOR PARACETAMOLIC'S

Exp. 01/26/21

This RX may not be transferred.

Swallow Whole. Do Not Chew Or
Crush.Take This Medicine Before A Meal Or
As Directed By Your Doctor.Some Nonprescription Drugs May
Aggravate Your Condition. If You Have
Questions, Check With Your Doctor Or
Pharmacist.

CAUTION: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

KOP

Rx #: 285843
ANDERSON, ANTHONY
SDCC L12 A 4 D 0001082999
TAKE ONE
TABLET(S) EVERY
DAY

LANDSMAN, H MD 10/1/2019

RP : Test 4444

QTY: 30 PREDNISONE 20MGTAB

NDC:00064-0018-29

Vg: ROKANE

Exp. 10/01/20

2 Refs by: 03/22/20

1 This RX may not be transferred.

15% INCREASE AGAINST (DR Kelly's
Prescription of 5mg Kelly Is The
Therapist)

CAUTION: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed.

NEVADA DEPT OF CORRECTIONS
3955 W. RUSSELL RD
LAS VEGAS, NV 89118

KOP

Rx #: 281932
ANDERSON, ANTHONY
SDCC L12 A 4 D 0001082999
TAKE 2 CAPSULE(S)
(40MG) EVERY DAY

LANDSMAN, H MD 10/23/2019

RP : Test 4444

QTY: 60 OMEPRAZOLE 20MGCAP

NDC:68462-0398-10

Vg: G.E.WAR PHARMACEUTIC

2 Refs by: 04/19/20

1 This RX may not be transferred.

Dr. Landsman
INCREASE Dosage
10-1-19
From 5mg To 20 mg
causing premenstrual
Illegally
rifed Steroid
Dosage
against Therapist
(DR Kelly), Prescription

Attachment # B

Front AND Back

Copy

SIGNATURE: MR Anthony K. Anderson
(Also print name and ID# at bottom of form where indicated)ID# 1082999Institution: S.D.C.C. Date submitted: 5/20/2020Unit/House: 11-3-2-EMedical: Dental: Mental Health: Nursing: Other: _____

Reason for request: (Describe below)

#1 I Need a New DRUG Prednisolone no longer works at Reducing Swelling Down the Inflammation at Bay, Also, Joint Pain and Swelling That Don't Help

DO NOT WRITE IN AREA BELOW

Response to request:

Appointment Schedule for: 1/1 Rescheduled for: 1/1
 No visit necessary
 No Show for Appointment
 Refused to be seen. DOC 2523-Release of Liability signed

RECEIVED
May 21 2020
By: [Signature]

PRESCRIPTIONS

KOP NON-KOP
 Order Date: 1/1

PLAN

Follow-up appointment 1/1 Return if needed
 No follow-up required

29105 K.N.
Signature/Title of Provider5/21/2020
Date

NEVADA DEPARTMENT OF CORRECTIONS

MEDICAL KITE and/or
SERVICE REPORTNAME: Anderson Anthony K.
Last First MI ID# 1082999Attchment # C

NAME Antony K. Jackson ID# 1082999 Unit/Cell#: 11-B-2-6
 FACILITY SACC DATE 5-20-2020 SIGNATURE Anthony K. Jackson

Request
 #2 Knee, Shoulder / more than normal
 Need Prescription For Pain
 set 11.20
 Need Doctor Exam Make Problem
 12 Time of Night Testimony

INMATES - DO NOT WRITE IN AREA BELOW

ASSIGNED TO:

Medical Dental Psychiatry Nursing Other _____

Response to request

You have been placed on nursing sick call. Please wait, as schedule is permitted by priority of request/situation and order. Thank you.

Appointment scheduled/rescheduled for: _____

No visit necessary

No show for appointment

Refused to be seen. DOC 2523 Release of Liability signed

RECEIVED
 MAY 21 2020
 BY: 109

PRESCRIPTIONS

KOP NON-KOP
 Order date _____

PLAN

Follow-up appointment _____ Return if needed
 No follow-up required

ANTHONY K. JACKSON
 Signature of practitioner/responder _____ Date 5/21/2020

NEVADA DEPARTMENT OF CORRECTIONS
MEDICAL KITE and SERVICE REPORT

DOC 2500 (03/20)

1082999

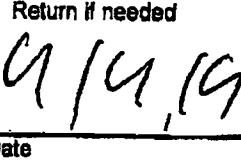
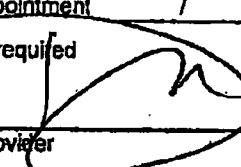
Attachment #1

(Page # 1)

PRINT NAME: <u>Anthony J. Anderson</u> (Also print name and ID# at bottom of form where indicated)	ID#: <u>1082999</u>		
Institution: <u>S.D.C.C.</u>	DOB: <u>9/1/64</u>		
Medical: <input checked="" type="checkbox"/>	Dental: <input type="checkbox"/>	Mental Health: <input type="checkbox"/>	Nursing: <input type="checkbox"/>
Signature: <u>A. Anderson</u>			
Other: <u>Expert Opinion</u> <u>A.S.A.P.</u>			
Reason for request: (Describe below)			
<p><u>For the last 3 weeks it's been to cold to work out outside or in the gym. Additionally, I no longer play drums for the Chaple. These activities deal with the release of "TESTOSTERONE" in the body. I have noticed the return of intense headaches and very frequent swelling to the right side of my face including swelling much greater than before noticing these facts I am experiencing.</u></p> <p><u>-DO NOT WRITE IN AREA BELOW THIS LINE.</u></p>			
Response to request:			
<p>The medical schedule is based on priority of needs & current waiting time. You will be seen in approximately 6-9 wks. If your condition worsens, please submit a kite for nursing sick call. Thank you.</p>			
<input type="checkbox"/> Appointment Schedule for: <u>/ /</u> Rescheduled for: <u>/ /</u> <input type="checkbox"/> No visit necessary <input type="checkbox"/> No Show for Appointment <input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed			
PRESCRIPTIONS			
<input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP <input type="checkbox"/> Order Date: <u>/ /</u>			
PLAN			
<input type="checkbox"/> Follow-up appointment <u>/ /</u> <input type="checkbox"/> Return if needed <input type="checkbox"/> No follow-up required			
Signature/Title of Provider <u>12/16/19</u> Date <u>12/16/19</u>			
NEVADA DEPARTMENT OF CORRECTIONS MEDICAL KITE and/or <small>DISCHARGE REPORT</small>			
NAME: <u>Anderson Anthony J.</u> <small>Last First MI</small> ID#: <u>1082999</u> Jnt/Cell#: <u>12-A-4-0</u>			

Attached page #

Precision Not Working
Any More

PRINT NAME:	<u>M. T. Thompson, Anderson</u>			ID#:	<u>1082999</u>		
(Also print name and ID# at bottom of form where indicated)				DOB:	<u>9/1/64</u>		
Institution:	<u>SOC</u>	Date submitted:	<u>1/1</u>		Signature:	<u>Anderson</u>	
Medical:	<input type="checkbox"/>	Dental:	<input type="checkbox"/>	Mental Health:	<input type="checkbox"/>	Nursing:	<input type="checkbox"/>
Reason for request: (Describe below)							
<p><u>To Dr. A. Kelly</u> Prednisone use not as effective as it once was. <u>SMH</u> Doseage, Not accurate, lately pain in <u>both</u> two right side of face, this has spread. Then before 10 AM dose has been, more effective; Note: <u>constant</u> topical irritation and numbness. Started last week prednisone. Not working. DO NOT WRITE IN AREA BELOW technique not working</p>							
Response to request: <u>0</u>							
<p>The medical schedule is based on priority of needs & current waiting time. You will be seen in approximately 6-9 wks. If your condition worsens, please submit a kite for nursing sick call. Thank you.</p>							
<input type="checkbox"/> Appointment Schedule for: <u>1/1</u>				Rescheduled for: <u>1/1</u>			
<input type="checkbox"/> No visit necessary				<input type="checkbox"/> No Show for Appointment			
<input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed							
PRESCRIPTIONS							
<input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP							
<input type="checkbox"/> Order Date: <u>1/1</u>							
PLAN							
<input type="checkbox"/> Follow-up appointment <u>1/1</u>				<input type="checkbox"/> Return if needed			
<input type="checkbox"/> No follow-up required							
Signature/Title of Provider 							
Date <u>9/14/19</u>							
NEVADA DEPARTMENT OF CORRECTIONS							
MEDICAL KITE and/or SERVICE REPORT							
							
NAME: <u>Anderson, M. T.</u> Last: <u>Anderson</u> First: <u>M. T.</u> MI: <u></u>							
ID#: <u>7082999</u>							
Unit/Cell#: <u>12-A-4-D</u>							

Attachment # 7

3. **N.D.C Refuse To Follow
DOCTORS ORDERS And Prescriptions
For Supplier**

NAME	Anthony Anderson	ID#	1082999	Unit/Cell#:	11-B-2-N
FACILITY	S.D.C.C.	DATE	9-23-2020	SIGNATURE	Anthony Anderson
Request					
<p>(3) He also Prescribed a New Drug To Keep Down Sugar Level to Help Speed Up Metabolism To stop/slow Down weight Gain #4) He Renewed My Pain Medication for Body Pain (ACETAMIN) #5) Renewed DHC, Paracetamol For My Please Continue when will These New Meds Start I await your Response.</p>					
INMATES - DO NOT WRITE IN AREA BELOW					
ASSIGNED TO					
<input type="checkbox"/> Medical <input type="checkbox"/> Dental <input type="checkbox"/> Psychiatry <input type="checkbox"/> Nursing <input type="checkbox"/> Other _____					
Response to request					
<p>This New Drug was Never allowed NOR Discussed The Reason For Denial And I NEVER Seen a Doctor For These Issues</p>					
<p>After Rank: 3 By N.D.C REJECTED</p>					
<p><input type="checkbox"/> Appointment scheduled/rescheduled for: _____</p>					
<p><input type="checkbox"/> No visit necessary</p>					
<p><input type="checkbox"/> No show for appointment</p>					
<p><input type="checkbox"/> Refused to be seen. DOC 2523 Release of Liability signed</p>					
PRESCRIPTIONS					
<p><input checked="" type="checkbox"/> KOP <input type="checkbox"/> NON-KOP</p>					
<p><input checked="" type="checkbox"/> Order date 9/29/2020</p>					
PLAN					
<p><input type="checkbox"/> Follow-up appointment _____</p>					
<p><input type="checkbox"/> Return if needed</p>					
<p><i>RONNIE R</i> Signature of practitioner/responder</p>					
<p>9/29/2020 Date</p>					
<p>NEVADA DEPARTMENT OF CORRECTIONS MEDICAL KITE and SERVICE REPORT</p>					
<p>Attachment # 6</p>					
<p>Detained until 12-10-2020</p>					
<p>DOC 2500 (03/20)</p>					

HENRY LANDSMAN, Plaintiff(s), v. MEDICAL BOARD OF CALIFORNIA, Defendant(s).
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
2016 U.S. Dist. LEXIS 86074
Case No. 2:15-CV-1470 JCM (NJK)
July 1, 2016, Decided
July 1, 2016, Filed

Editorial Information: Prior History

Landsman v. Medical Bd. of Cal., 2015 U.S. Dist. LEXIS 162895 (D. Nev., Dec. 3, 2015)

Counsel {2016 U.S. Dist. LEXIS 1}Henry Landsman, Plaintiff, Pro se, Las Vegas, NV.

For Medical Board of California, Defendant: Greg Chambers, LEAD ATTORNEY, PRO HAC VICE, California Attorney General's Office, San Francisco, CA; Peter Kevin Keegan, Nevada Attorney General's Office, Carson City, NV.

Judges: James C. Mahan, UNITED STATES DISTRICT JUDGE.

Opinion

Opinion by: James C. Mahan

Opinion

ORDER

Presently before the court is defendant Medical Board of California's motion to dismiss for lack of personal jurisdiction. (ECF No. 12). Pro se plaintiff Henry Landsman filed a response. (ECF No. 19). Defendant filed a reply. (ECF No. 20).

I. Background

Plaintiff is a doctor who received his physician's and surgeon's certificates by the medical board on or about April 13, 1981. On January 8, 2008, the United States Army restricted plaintiff's clinical privileges at Weed Army Community Hospital located in Fort Irwin, California, because he failed to call immediately an on-call specialist for a patient with a broken wrist. (ECF No. 1, 13 at 4-5). Plaintiff requested an appeal on or about March 6, 2008. A hearing was conducted in front of seven physicians, one nurse, and one psychologist. Plaintiff's appeal was denied after the hearing. (ECF No. 13).

On December 2, 2011, {2016 U.S. Dist. LEXIS 2} the medical board attempted to revoke plaintiff's California physician's and surgeon's certificates, pursuant to Business and Professions Code sections 141 and 2305, for the same incident. (ECF No. 13) (ECF No. 1 at 4-5). However, the revocation was stayed, and plaintiff was placed on five years probation. (ECF No. 13). On September 24, 2012, the medical board prohibited plaintiff from practicing medicine in the state of California due to a violation

Attachment # H

Furthermore, {2016 U.S. Dist. LEXIS 5} plaintiff cannot demonstrate specific jurisdiction over defendant because none of plaintiff's allegations arise from actions committed in the forum state nor is there any evidence that it ever purposefully availed itself of the laws of Nevada. (ECF No. 12).

Defendant notes that there are numerous other reasons as to why plaintiff is not entitled to the relief sought, including (1) Nevada is an improper venue; (2) the defendant has sovereign immunity; and (3) the court may not grant the requested relief because under the *Burford* doctrine licensing of medical professionals falls within the police power of the state.

Plaintiff argues that jurisdiction in Nevada is appropriate because, "[c]ountless individuals have gone to Federal Court to seek redress of grievances against improper loss of property by a state since 1868." (ECF No. 19). Plaintiff asserts that the "Supremacy Clause" is controlling on federal courts. Plaintiff also states the revocation of his certificates will make it very difficult for him to obtain a job in Nevada. Finally, plaintiff argues that jurisdiction is appropriate in this case because he resides in Nevada, and he has acquired a Nevada medical license.

"[P]ersonal jurisdiction . . . is an essential element {2016 U.S. Dist. LEXIS 6} of the jurisdiction of a district court, without which the court is powerless to proceed to an adjudication." *Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 584, 119 S. Ct. 1563, 143 L. Ed. 2d 760 (1999) (citations omitted). Thus, the court will first decide whether plaintiff satisfied his burden of proving that personal jurisdiction is warranted in this case.

a. General Jurisdiction

Plaintiff has not alleged any facts that demonstrate minimum contacts between the defendant and the state of Nevada. In order for the court to assert general jurisdiction over a defendant, the defendant must engage in "continuous and systematic general business contacts that approximate physical presence in the forum state." *Schwarzenegger*, 374 F.3d at 801. "This is an exacting standard . . . because a finding of general jurisdiction permits a defendant to be haled into court in the forum state to answer for any of its activities anywhere in the world." *Id.*

In this case, defendant is a California agency that was authorized, by the California legislature, to exercise disciplinary authority against actions substantially related to the regulatory practice of California medical licenses. Plaintiff does not dispute the fact that defendant is an agency of the state of California, nor does he put forth any allegations that defendant {2016 U.S. Dist. LEXIS 7} exercised its authority outside the borders of the state of California. Therefore, the plaintiff failed to demonstrate that this court has general jurisdiction over the defendant.

b. Specific Jurisdiction

If a court lacks general jurisdiction over a defendant, it can still hear the case if specific jurisdiction is applicable. In order for specific jurisdiction to exist, the defendant must (1) purposefully direct its activities at the forum state or resident thereof; (2) the claim must arise out the forum; and (3) the exercise of jurisdiction must not violate notions of fair play and substantial justice. *Schwarzenegger*, 374 F.3d at 802. The burden is on the plaintiff to satisfy the first two prongs of the test. *Id.* Thereafter, the burden shifts to the defendant to prove that exercising jurisdiction would violate notions of fair play and substantial justice. *Id.*

To establish purposeful availment, plaintiff must allege that defendant purposefully conducted activities in the forum state or purposefully directed its activities at the forum state. Plaintiff's alleges that the California Superior Court and the California Appellate Court's decisions rejecting plaintiff's claims were wrongly decided. However, none of these {2016 U.S. Dist. LEXIS 8} allegations have any nexus with the forum state. Plaintiff does not allege that defendant performed any activity in Nevada or

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

A horizontal decorative element consisting of four stylized, symmetrical floral or star-like shapes arranged in a row.

In the Matter of Charges and) Case No. 11-5951-1
Complaint Against))
HENRY LANDSMAN, M.D.,))
Respondent.))
FILED
DEC 30 2011
NEVADA STATE BOARD
MEDICAL EXAMINER

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

13 The above-entitled matter came on regularly for decision before the Nevada State Board of
14 Medical Examiners, hereinafter "Board," on Friday, December 2, 2011, at the Board's offices
15 located at 1105 Terminal Way, Suite 301, Reno, Nevada, and by video conference at the offices of
16 the Nevada State Board of Medical Examiners/Dental Examiners located at 6010 S. Rainbow
17 Boulevard, Building A, Suite 1, Las Vegas, Nevada, on the Complaint filed herein against,
18 Respondent Henry Landsman, M.D., hereinafter "Respondent."

19 The members of the Board participating in the decision were:
20 Benjamin J. Rodriguez, M.D., Beverly A. Neyland, M.D., Michael J. Fischer, M.D.,
21 Ms. Donna A. Ruthe, and Mrs. Sue Lowden. Harry B. Ward, Esq., Deputy Attorney General,
22 acted as legal counsel to the Board.

23 The Board, having received and read the Complaint and exhibits admitted in the matter, as
24 well as the Synopsis of Record prepared by the Hearing Officer who presided over the hearing and
25 the transcript of the hearing, proceeded to make a decision pursuant to the provisions of
26 NRS chapters 233B and 630.

27 | //

28 | III

Attactypal. I

VI.

If any of the foregoing Findings of Fact is more properly deemed a Conclusion of Law, it may be so construed.

CONCLUSIONS OF LAW

I.

6 The Board has jurisdiction over Respondent.

II.

8 Respondent was properly served with notice of the hearing via certified mail at the address
9 on file with the Board pursuant to NRS and NAC chapters 630 and
10 NRS chapter 233B.

III.

12 The Board concludes that Respondent has violated NRS 630.301(4) as described above,
13 and accordingly is subject to discipline pursuant to NRS 630.352.

IV.

15 If any of the foregoing Conclusions of Law is more properly deemed a Finding of Fact, it
16 may be so construed.

ORDER

18 Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause
19 appearing therefore,

20 IT IS HEREBY ORDERED that:

21 1. Respondent shall be issued a public reprimand.

22 2. Respondent shall complete six (6) hours of AMA Category I continuing education

23 credits on the subject of medical record keeping, more specifically, documentation at the time of a

24 patient's discharge against medical advice, within six (6) months of the entry of this Order. These

25 credits are to be in addition to the regularly required continuing medical education requirements

26 for medical licensure in the state of Nevada.

27 3. Respondent is to pay a fine of \$200.00 and shall reimburse the Board the reasonable

28 costs and expenses incurred in the investigation and prosecution of this case in the amount of

Hackney #1

CERTIFICATION

I certify that the foregoing is the full and true original FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER on file in the office of the Board of Medical Examiners
in the matter of Henry Landsman, M.D., Case No. 11-5951-1.

I further certify that BENJAMIN J. RODRIGUEZ, M.D., is the President of the Nevada State Board of Medical Examiners and that full force and credit is due to his official acts as such; and that the signature to the foregoing ORDER is the signature of said BENJAMIN J. RODRIGUEZ, M.D.

9 IN WITNESS THEREOF, I have hereunto set my hand in my official capacity as
10 Secretary-Treasurer of the Nevada State Board of Medical Examiners.

VALERIE J. CLARK, BSN, RHU, LUTCF
Secretary-Treasurer
Nevada State Board of Medical Examiners

Attachment # I

HENRY LANDSMAN, Plaintiff(s), v. MEDICAL BOARD OF CALIFORNIA, Defendant(s).	
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA	
2016 U.S. Dist. LEXIS 162895 (D. Nev., Dec. 3, 2015)	
Case No. 2:15-cv-1470 JCM (NJK)	
July 1, 2016, Decided	
July 1, 2016, Filed	
Editorial Information: Prior History	
Landsman v. Medical Bd. of Cal., 2015 U.S. Dist. LEXIS 162895 (D. Nev., Dec. 3, 2015)	
Counsel	
NY	
[2016 U.S. Dist. LEXIS 1] Henry Landsman, Plaintiff, Pro se, Las Vegas, NV.	
For: Medical Board of California, Defendant; Greg Chambers, Peter Kevin Keegan, Nevada Attorney General's Office, Carson City, NV.	
Judges:	
James C. Mahan, UNITED STATES DISTRICT JUDGE.	
Opinion	
Opinion by:	
James C. Mahan	
Opinion	

ORDER

Presently before the court is defendant Medical Board of California's motion to dismiss for lack of personal jurisdiction. (ECF No. 12). Plaintiff Henry Landsman filed a response. (ECF No. 19). Defendant filed a reply. (ECF No. 20).

I. Background

Plaintiff is a doctor who received his physician's and surgeon's certificates by the medical board on or about April 15, 1983. On January 9, 2008, the United States Army restricted plaintiff's clinical privileges at Weed Army Community Hospital located in Fort Irwin, California, because he failed to call immediately an on-call specialist for a patient with a broken wrist. (ECF No. 1, 13 at 4-5). Plaintiff requested an appeal on or about March 6, 2008. A hearing was conducted in front of seven physicians, one nurse, and one psychologist. Plaintiff's appeal was denied after the hearing. (ECF No. 13).

On December 2, 2011, 2016 U.S. Dist. LEXIS 21, the medical board attempted to revoke plaintiff's California physician's and surgeon's certificates, pursuant to Business and Professions Code sections 141 and 2305, for the same incident. (ECF No. 13) (ECF No. 1 at 4-5). However, the revocation was stayed, and plaintiff was placed on five years probation. (ECF No. 13). On September 24, 2012, the medical board prohibited plaintiff from practicing medicine in the state of California due to a violation

© 2019 Matthew Bender & Company, Inc., a member of the LexisNexis Group. All rights reserved. Use of this product is subject to the restrictions and terms and conditions of the Matthew Bender Master Agreement.

of the terms of his probation and formally revoked his physician's and surgeon's certificates on July 28, 2013. (ECF No. 13). As a result, plaintiff filed this petition for injunctive and declarative relief.

II. Legal Standard

To avoid dismissal for lack of personal jurisdiction, a plaintiff bears the burden of demonstrating that his or her allegations would establish a prima facie case for personal jurisdiction. See *Boschart v. Hansing*, 559 F.3d 1011, 1015 (9th Cir. 2008). Allegations in the plaintiff's complaint must be taken as true and factual disputes should be construed in the plaintiff's favor. *Rio Props. Inc. v. Rio Int'l Interlink*, 284 F.3d 1017, 1019 (9th Cir. 2002).

When no federal statute governs personal jurisdiction, the district court applies the law of the forum state. See *Paravision Int'l L.P. v. Torpenn*, 141 F.3d 1316, 1320 (9th Cir. 1998). Nevada has authorized its courts to exercise jurisdiction over persons "on any basis not inconsistent [with] the Constitution of the United States." N.R.S. § 14.065. As a result of personal jurisdiction must comport with due process. See *Wash. Shoe Co. v. A-2 Sporting Goods Inc.*, 704 F.3d 688, 672 (9th Cir. 2012). To satisfy due process, a court may exercise personal jurisdiction over a defendant only where the defendant has certain minimum contacts with the forum state such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice." *Int'l Shoe Co. v. Washington*, 366 U.S. 310, 316, 66 S. Ct. 154, 90 L. Ed. 35 (1945). These minimum contacts may present in the form of either general or specific jurisdiction. *LSI Indus., Inc. v. Hubbell Lighting Inc.*, 232 F.3d 1389, 1375 (Fed. Cir. 2000).

General jurisdiction arises where the defendant has continuous and systematic ties with the forum, even if those ties are unrelated to the litigation. *Hubbell Lighting*, 232 F.3d at 1375 (citing *Helicopteros Nacionales de Colombia, S. A. v. Hall*, 466 U.S. 408, 414-16, 104 S. Ct. 1868, 80 L. Ed. 2d 404 (1984)). "[T]he plaintiff must demonstrate the defendant has sufficient contacts to 'constitute the kind of continuous and systematic business contacts that "approximate physical presence,"' *In re W. States Wholesale Natural Gas Litig.*, 605 F. Supp. 2d 1118, 1131 (D. Nev. 2009) (citations omitted). In making this determination, courts consider whether the defendant makes sales, solicits or engages in business in the state, serves the state's markets, designates an agent for service of process, holds a license, or is incorporated there." *In re W. States Wholesale Natural Gas Litig.*, 605 F. Supp. 2d at 1131.

The Ninth Circuit has established a three-prong test for analyzing an assertion of specific jurisdiction. LEXIS 4:

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws; (2) the claim must be one which arises out of or relates to the defendant's forum-related activities; and (3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e., it must be reasonable. *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004). "The plaintiff bears the burden of satisfying the first two prongs of the test. If the plaintiff fails to satisfy either of these prongs, personal jurisdiction is not established in the forum state." *id.* (internal citations omitted).

III. Discussion

Defendant argues that the court does not have personal jurisdiction because plaintiff provides no facts to support a claim that defendant had any contacts with the forum state. (ECF No. 12). Defendant states that there is no evidence the court has general jurisdiction because defendant does not have "substantial, continuous, and systematic" contacts with the state of Nevada. (ECF No. 12).

© 2019 Matthew Bender & Company, Inc., a member of the LexisNexis Group. All rights reserved. Use of this product is subject to the restrictions and terms and conditions of the Matthew Bender Master Agreement.

Attest: [Signature] # J

Dr. Landsman MED 1st Revoked
- 9-24-2012 - How is his practice?
Medicine IN [DOC]



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

ISSUE ID# 20063095454

ISSUE DATE: 01/15/2020

INMATE NAME	INDOC ID	TRANSACTION TYPE	ASSIGNED TO		
ANDERSON, ANTHONY KENNETH	1082999	RTRN_INF	SLCLARK		
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
IF	03/16/2020	5	Denied	SCOOK	INACTIVE

INMATE COMPLAINT

Denied

Medical cannot give you back your days. Medical determines your medical needs. You have had a 5 restriction since 9/11/2019. Dr. Landsman is a medical professional, he determines treatment and care. You have seen the new provider which has referred you back to see the provider who has been seeing you previously for your condition. Once approved you will be scheduled based on the offices availability.

OFFICIAL RESPONSE

"Medical Dept" Doesn't forward to [A.D.A]
 Title I II III
 N.D.O.C. waives Medical Director
 AND Prison Director refuse to follow
 (Dr. Landsman's) Medical Determinations
 again N.D.O.C. states you
 have had a #5 restriction since 9-11-2019 AND THAT
 Dr. Landsman is a Medical Professional AND He determines
 my care AND treatment! when will AIR 658 kick in?
 [Signature] (Slacker) 3/25/2020 *BB Parks 1/2/2020*

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: MAR-16-20 08:34 AM

Page 1 of 8

Attachment #K

Medical

#20063095454

Log Number For Tracking 100-100NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCENAME: Anthony K. Anderson I.D. NUMBER: 1082173INSTITUTION: State of Nevada UNIT: 12-1-4-0

GRIEVANT'S STATEMENT: On 6-26-2011 at approx 240 PM Tony the
 medical worker called to Education Tony located in Northern Desert C.I.N.
 Medical unit: T Address and injury N.D.O.C. Medical provider's
 or the Medical Concerns Relating to His Illness. Disease
Procedures "two Hospital side effects when treated

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony K. Anderson DATE: 12-26-11 TIME: 3:30 pm

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____ TIME: _____

GRIEVANCE RESPONSE: _____

CASEWORKER SIGNATURE: _____ DATE: _____

GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

GRIEVANCE COORDINATOR APPROVAL: _____ DATE: _____

INMATE AGREES INMATE DISAGREES

INMATE SIGNATURE: _____ DATE: _____

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY
 BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To inmate when complete, or attached to formal g
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony K. Anderson ID. NUMBER: 1082999

INSTITUTION: Southern Desert CIN UNIT #: 12-A-4-D

GRIEVANCE #: Info GRIEVANCE LEVEL: Info

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

AND "NURSE Stacy" Has Applied Their
Attention AND Stacy Stands out Side The Doc
Lucky Heard it All . But Lansyan Forgets Hes The
ONE on 9-11-19 at 10:37 Doctors wherein 10% Disable
75% One Taking 20% Due Bowels Disease 5% Due to obesity
Now placing Anderson in further Infirmary Danger Due To
Lansyan's Certification Being in Question: ID: Medical
Board Case # Henry Reinhold Lansyan v. California Medical
Board # 01-2021-177740 ID: NEVADA Medical Board
#14-5951-1

Kennedy Supt

#1 Nurse Stacy Came forward with Retaliation
Information Regarding what she heard

#2 Mr. Lansyan Be Reassigned or ostracized
From N.O.O.C

#3 \$20,000 25 Dollars for Retaliation/against Danger

Original: Attached to Grievance
Print: Inmate's Copy

[REDACTED]

L

Entered 05/07/21 Page 101 of 193
20063709 5454 1998
Number for tracking before out

**NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE**

NAME: Anthony K. Anderson I.D. NUMBER: 1082999

INSTITUTION: Southern Methodist U. UNIT: 12-1-4-D

GRIEVANT'S STATEMENT: ON 6-26-2019 at approx 2:10 pm inmate

ADDITION was called to examine Tony located in Southern Desert C.I.N's
Medical unit. To address two issues N.D.O.C. Medical Provider's
or his Medical concerns regarding His Kiyura Disease? -
Progression and harmful side effects when ADDITION

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony Deakins DATE: 12-26-19 TIME: 3:20

GRIEVANCE COORDINATOR SIGNATURE: DATE: **10/20/2023** TIME: **10:00 AM**

GRIEVANCE RESPONSE: See attached

CASEWORKER SIGNATURE: **DATE:** 4/2/2020

GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740

1. **GENERAL INFORMATION** 2. **MAIN REAS**

GRIEVANCE COORDINATOR APPROVAL: _____ DATE: _____

_____ INMATE AGREES _____ INMATE DISAGREES

INMATE SIGNATURE: Jefferson DATE: 4-2-00

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

Received
SDCC
JAN 15 2020
1WP

Attachment #1

NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE CLAIM FORM

THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,
209.243 AND ADMINISTRATIVE REGULATION 740

DO NOT SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,
BOARD OF EXAMINERS, OR DIRECTOR

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

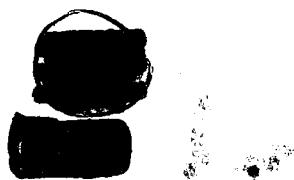
The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$ ~~Twenty Thousand~~ ^{\$12,00} is hereby made against the Department of Corrections, based upon the following facts.

1. NAME OF CLAIMANT (Please print full name)	2. I.D. #	3. INSTITUTION
Anthony K. Anderson	1082999	Southern Desert
4. AMOUNT OF CLAIM Twenty Thousand \$20,00 00	5. DATE AND DAY OF OCCURRENCE 12-26-2019	6. TIME (a.m. or p.m.) 2:10 PM
7. PLACE OF OCCURRENCE Southern Desert Correctional Center Medical Dept		

12-26-2019

DOC 3095 (12/01)



Page 1 of 3

Attachmet # L

8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

#1 SiC Medical Board Case: Henry Reinhold Landsyuan
v. California Medical Board D. # DI-2009-199740
#2 NEVADA BOARD OF MEDICAL # 11-5951-1

#3 Retaliation on 12-26-19 Landsyuan NVBR
Fully Gathers The Reason For Andersons Visit
I didn't know Landsyuan was an attorney of law

9. Witnesses: Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

#1 Staff Member witness
(NURSE Stacy) Heard the entire Act
of Retaliation

#2 "Beni" Also Heard And Entered The
Exay Room During Landsyuan outburst
Retaliation

10. Other pertinent information:

Landsyuan Admits Harmful Information To
Injure Anderson which should only come
up During Discovery Stating even though
you are Shit! You will never win
This Case I know you won't giving
"Any Medication They 2013 until 2017
So what That's not caught!"

L

Log Number 20063084171NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCENAME: Anthony K. Anderson I.D. NUMBER: 10620777
INSTITUTION: S.D.C.C. UNIT: 19-A-H-DI REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063084171, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony K. Anderson DATE: 8-10-2017WHY DISAGREE: White I disagree with the Office's response
they not fulfilling to use the Doctor. Because
there are many issues that need attention at this
time related to the health. That are very hard to
ignore. And need "extra attention and whiteness"

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

FIRST LEVEL RESPONSE: _____

GRIEVANCE UPHELD _____ GRIEVANCE DENIED _____ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: _____ DATE: _____

INMATE AGREES _____ INMATE DISAGREES _____

INMATE SIGNATURE: _____ DATE: _____

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

Also → See page #11-A

*See GRIEVANCE
EXHIBIT 1-A
EXHIBIT 1-B
EXHIBIT 1-C
Attachment # M*

DOC 3093 (12/01)

① N.D.O.C. ~~Refuse~~
 To Follow Doctors Prescriptions
 for Supplements

NAME <u>Anthony K. Anderson</u>	ID# <u>1082999</u>	Unit/Cell# <u>11-B-2-N</u>
FACILITY <u>S.D.C.C.</u>	DATE <u>9-23-2020</u>	SIGNATURE <u>AK Anderson</u>
Request <u>Please Refill</u> <u>9-28-2020</u>		ACETAMINOPHEN/CAFFEINE RX# 32  <u>Refill 9 Days Before</u>
<p>I am also requesting continuation in regards to my last visit with Dr. Kelly 9-22-2020</p> <p>The prescriptions prescribed are medications two supplements. "SEE NEXT 2 Pages" for details</p> <p>INMATES - DO NOT WRITE IN AREA BELOW</p>		
ASSIGNED TO _____		
<input type="checkbox"/> Medical <input type="checkbox"/> Dental <input type="checkbox"/> Psychiatry <input type="checkbox"/> Nursing <input type="checkbox"/> Other _____		
Response to request		
<p><u>To be scheduled to see MD</u></p> <p>Due to COVID-19 guideline, fewer patients are seen during sick call, making the list and wait time longer. As always, the medical schedule is based on priority of needs. You will be seen in approximately 6-9 weeks. If your condition worsens, please submit a kite for nursing sick call. Thank you</p> <p><i>I never seen the doctor for this said appointment</i></p>		
<p>RECEIVED</p> <p><i>IP 2 7/21</i></p> <p><i>BV: - [Signature]</i></p>		
<p>PRESCRIPTIONS</p> <p><input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP <input type="checkbox"/> Order date _____</p>		
<p>PLAN</p> <p><input type="checkbox"/> Follow-up appointment _____ <input type="checkbox"/> Return if needed <input type="checkbox"/> No follow-up required</p>		
<p><i>[Signature]</i> Signature of practitioner/responder</p>		<p><i>9/29/2020</i> Date</p>
<p>NEVADA DEPARTMENT OF CORRECTIONS MEDICAL KITE and SERVICE REPORT</p>		

NEVER FILLED until
 12-10-2020

DOC 2500 (03/20)
 Dental AND General
 Medical
 NEEDED
 Supplements

(2) N.D.O.C Refuse to follow
Doctors Prescription for Supplements

NAME	Anthony K. Johnson	ID#	1082999	Unit/Cell#:	11-B-2-N
FACILITY	SDCC	DATE	9-23-2020	SIGNATURE	Anthony Johnson
<p>Request # DR Kelly and I Discussed as follows: Prescriptions #1 Prednisone No longer working among many things a new prescription for INFLAMMATION a supplement "OMEGA X1" #2 we also Discussed a supplement To address "TESTOSTERON levels Distressed by Prednisone long term use" a Supplement Prescription ("NEW GENEX") for Free Testosterone AND a Total Testosterone INMATES - DO NOT WRITE IN AREA BELOW Doctor</p>					
ASSIGNED TO					
<input type="checkbox"/> Medical <input type="checkbox"/> Dental <input type="checkbox"/> Psychiatry <input type="checkbox"/> Nursing <input type="checkbox"/> Other _____					
Response to request					
<p>Due to COVID-19 guideline, fewer patients are seen during sick call, making the list and wait time longer. As always, the medical schedule is based on priority of needs. You will be seen in approximately 6-9 weeks. If your condition worsens, please submit a kite for nursing sick call. Thank you</p> <p><i>I never seen any doctor at all concerning this visit appointment NDoc still presrib Prednisone</i></p>					
<p>After I informed N.Doc it no longer RECEIVED works</p> <p><i>No Doctor visit as of 12-15-2020 Last DR visit was (Sept) EV: -</i></p>					
<p><input type="checkbox"/> Appointment scheduled/rescheduled for: _____</p> <p><input type="checkbox"/> No visit necessary <i>No Doctor visit as</i> <i>of 12-15-2020</i></p> <p><input type="checkbox"/> No show for appointment <i>Last DR visit was (Sept)</i></p> <p><input type="checkbox"/> Refused to be seen. DOC 2523 Release of Liability signed</p>					
PRESCRIPTIONS					
<p><input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP</p> <p><input type="checkbox"/> Order date: 11/25/2020</p>					
PLAN					
<p><input type="checkbox"/> Follow-up appointment: _____</p> <p><input type="checkbox"/> No follow-up required</p> <p><input type="checkbox"/> Return if needed</p>					
Signature of practitioner/responder			Date 9/29/2020		
			Attachment # 0		
<p>NEVADA DEPARTMENT OF CORRECTIONS MEDICAL KITE and SERVICE REPORT</p> <p>Omega delayed run 411 12-10-2020</p>					

NEVER Refilled or Prescribed
any Medication for Testosterone

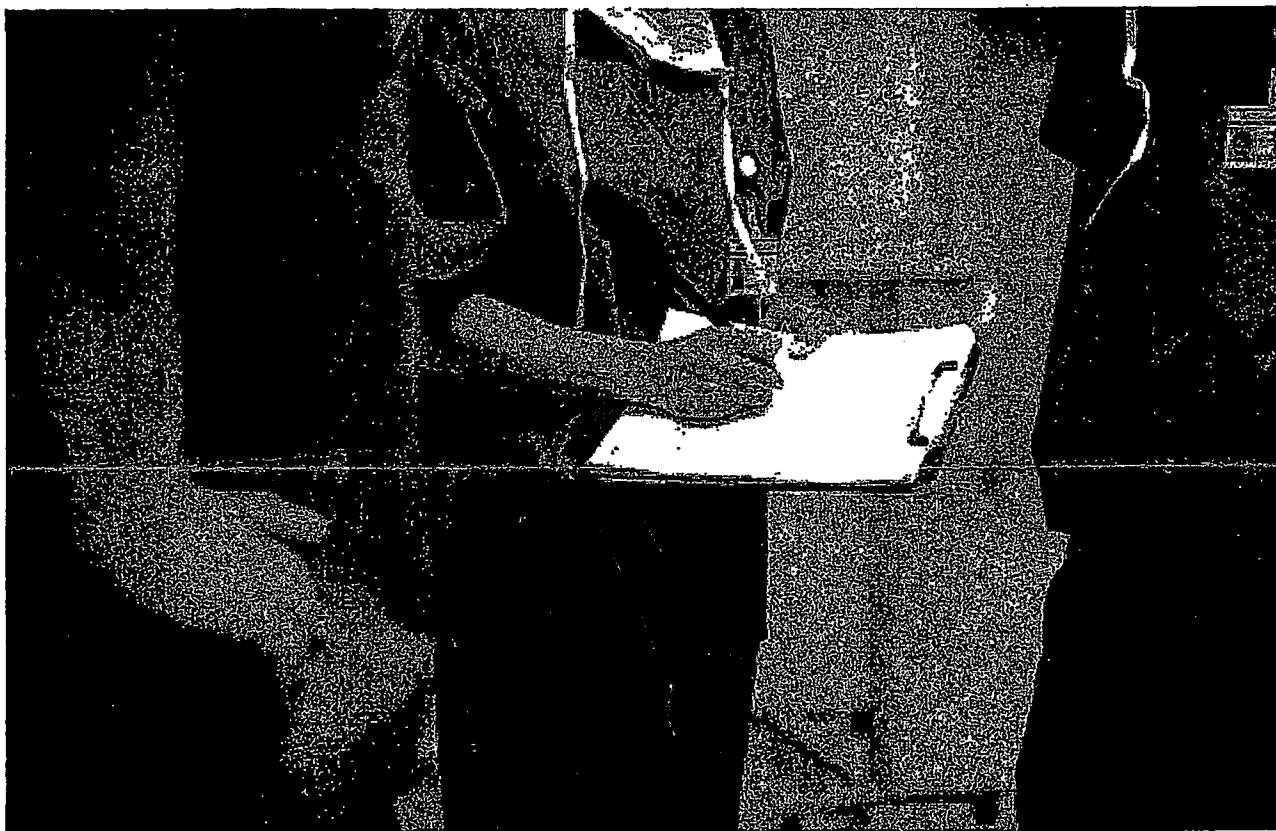
1082999

Damage Caused by Prednisone
Prolonged use

4/6/2020

Complaints warrant checkups on doctors | Las Vegas Review-Journal

Complaints warrant checkups on doctors



Three surgeons in operating room, mid section

By Jane Ann Morrison Las Vegas Review-Journal



February 24, 2016 - 9:44 pm

Don't miss the big stories. Like us on Facebook.

Like 239K

The Nevada Board of Medical Examiners had a backlog of 525 complaints at the start of 2015. An additional 1,078 complaints were filed last year — about three per day. By the end of the year, 570 complaints were pending.

But only 19 medical doctors and physician assistants were publicly disciplined last year.

How can a board that's falling behind ever erase that backlog and fulfill its duty to discipline bad medical doctors?



4/6/2020

Complaints warrant checkups on doctors | Las Vegas Review-Journal

Executive Director Edward Cousineau said Wednesday that the office is making headway and that the situation not as bleak as the numbers suggest.

Since taking over the board's top job in January, Cousineau has added investigators. But there are so many cases, the investigative committees of three board members have trouble handling all the complaints — the committees meet just four times a year.

Despite that, he said most cases are resolved within six to nine months. "The oldest might be 18 months," said Cousineau, an attorney who has worked for the board in various capacities since 2000.

Sixteen medical doctors were disciplined last year: Cesar Estela, Peter Philander, Arlyn Valencia, Emmanuel Acosta, Steven Holper, Arnold Klein, Michelle Stacey, Irina Volkova, Timothy Beckett, Susan Boyd, Ara Keshishian, Henry Landsman, Rita Starritt, Jan Thompson, Binh Chung and Ascar Egtedar. Three physician assistants were disciplined: David Armitage, Douglas Lynch and Heather Rohrer.

The Nevada Board of Osteopathic Medicine disciplined three doctors last year: Daniel Royal, David Moon and Jacqueline Leventhal. The DO board oversees fewer physicians, about 1,000 compared with 7,210 active MDs. Only 19 complaints were pending before the DO board at the end of 2015; 85 complaints were dismissed and 23 were dismissed with a letter of caution last year.

The DO board is able to stay on top of complaints because it gets far fewer complaints than the Board of Medical Examiners.

If any of these people are your medical providers, I want to teach you how to research the specifics of their cases, because it's all online and you need to know.

4/6/2020

Complaints warrant checkups on doctors | Las Vegas Review-Journal

If you don't have access to a computer, you can call the board at 702-732-2147 and ask if your DO has been subject to any formal disciplinary action or if malpractice has been reported.

"What we absolutely do not do is verbally summarize the complaint or the malpractice case because that leaves too much to interpretation and can be misstated," said Executive Director Barbara Longo, who provided the disciplinary statistics for 2015.

The websites of the boards also explain that malpractice settlements don't necessarily reflect a doctor's competence or indicate that malpractice occurred.

I looked at the 22 people disciplined by the two Nevada boards last year. Some complaints involved substance abuse. Several were disciplined because they failed to notify the Nevada board they had been disciplined in other states.

The most serious complaints involve patient care or sexual abuse. Binh Chung's license has been suspended indefinitely for having sex with a minor patient.

Hand surgeon Ascar Egtedar has had insurance companies pay out three malpractice settlements, and last year he had a neuropsychological assessment and was deemed a risk to patients. His license also was suspended indefinitely.

Many medical providers reach settlements with the board and their licenses are returned to active status. For example, pain management specialist Steven Holper's license is active again, although he has had two settlements since 2013. Malpractice charges were dropped, and he pleaded guilty to keeping poor records regarding his diagnosis, treatment and care of certain patients. He's been publicly reprimanded.



DISCIPLINARY ACTION REPORT

ARAGON, Romualdo, Jr., M.D.

(9214) Las Vegas, Nevada

Summary: Alleged signing of blank prescription forms and allowing unlicensed nurse practitioner students/externs to use pre-signed blank physical examination forms and blank prescriptions, both when he was present and when he was not on the premises.

Charges: One violation of NRS 630.304(4) [signing a blank prescription form]; one violation of NRS 630.305(1)(e) [aiding, assisting employing or advising an unlicensed person to engage in the practice of medicine contrary to the provisions of Chapter 630 or regulations of the Board]; one violation of NRS 630.306(2)(a) [engaging in conduct which is intended to deceive]; one violation of NRS 630.306(2)(b) [engaging in conduct which the Board has determined is a violation of standards of practice established by regulation of the Board].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Aragon violated NRS 630.304(4), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$2,000 fine; (3) six hours continuing medical education regarding ethics; (4) reimbursement of the Board's fees and costs of investigation and prosecution. Count II, III and IV of the Complaint were dismissed.

BOYLE, James, RRT (RC1428)

Anaheim Hills, California

Summary: Mr. Boyle voluntarily surrendered his license to practice respiratory care in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On March 9, 2012, the Board accepted Mr. Boyle's voluntary surrender of his license to practice respiratory care in Nevada while under investigation.

BURSTEIN, Alan, M.D. (8524)

Las Vegas, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Burstein's treatment of two patients.

Charges: One violation of NRS 630.301(4) [malpractice]; one violation of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Burstein violated NRS 630.301(4), as set forth in Count I of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) six hours in-person continuing medical education regarding medical records/documentation; (3) reimbursement of the Board's fees and costs of investigation and prosecution. Count II of the Complaint was dismissed.

DUNN, Gerald, M.D. (2827)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Dunn's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Dunn violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) \$1,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

FISHELL, Michael, M.D. (9403)

Henderson, Nevada

Summary: Alleged malpractice and failure to maintain appropriate medical records related to Dr. Fishell's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Fishell violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

GINIER, Bruce, M.D. (10573)

Fresno, California

Summary: Dr. Ginier voluntarily surrendered his license to practice medicine in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On March 9, 2012, the Board accepted Dr. Ginier's voluntary surrender of his license to practice medicine in Nevada while under investigation.

GRAHAM, Charles, M.D. (6794)

North Las Vegas, Nevada

Summary: Alleged failure to comply with two orders from the Board's Investigative Committee requesting a response and records.

Charges: One violation of NRS 630.3065(2)(a) [willful failure to comply with a regulation, subpoena or order of the Board or an investigative committee of the Board].

Disposition: On March 9, 2012, the Board found Dr. Graham violated NRS 630.3065(2)(a) and imposed the following discipline against him: (1) public reprimand; (2) \$5,000 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

GREEN, Brandon, M.D. (13346)

Delray Beach, Florida

Summary: Disciplinary action taken against Dr. Green's medical license in Florida.

Charges: One violation of NRS 630.301(3) [disciplinary action taken against his medical license in another state].

area after being summoned away from the treatment area to attend to another patient experiencing a life threatening medical emergency. The Order also calls for you to be publicly reprimanded for this conduct and that you pay the costs of investigation and prosecution of this matter, which are in the amount of \$3,499.91.

It is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners
cc: L. Kristopher Rath, Esq.

CHARLES GRAHAM, M.D.

March 19, 2012

Charles E. Graham, M.D.
4591 Borrego Springs Way
Las Vegas, NV 89129

Dr. Graham:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) considered and adjudicated the matter involving the formal Complaint filed against you, Case Number 11-7922-1.

In accordance with its findings, the Board has entered a Findings of Fact, Conclusions of Law and Order, which indicates that your failure to comply with multiple Orders issued by the Investigative Committee of the Board was a violation of Nevada Revised Statute 630.3065(2)(a), i.e., willful failure to comply with an order of a committee designated by the Board to investigate a complaint. The Order calls for you to be publicly reprimanded, for you to be fined in the amount of \$5,000.00, and that you pay the costs of investigation and prosecution of this matter, that amount being \$5,609.48.

Accordingly, it is now my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and

which also reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

LYNN GREENHOUSE, M.D.

March 19, 2012

Lynn Greenhouse, M.D.
1780 Browning Way
Elko, NV 89801

Dr. Greenhouse:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-7546-1.

In accordance with its acceptance of the Agreement, the Board has entered an Order finding that you violated Nevada Revised Statute (NRS) Section 630.306(2)(c), engaging in conduct which is in violation of a regulation adopted by the State Board of Pharmacy as alleged in counts I and II of the disciplinary Complaint filed in this matter.

The Order suspends your license for a period of thirty-six (36) months, stays the suspension and places you on probation for a period of forty-eight (48) months with the following conditions: that you be publicly reprimanded; that you shall not apply for or hold a certificate of registration from the Nevada State Board of Pharmacy to dispense controlled substances or dangerous drugs during the period of probation; that you complete twelve (12) hours of continuing medical education in addition to those hours required to maintain licensure, six (6) on the topic of ethics and six (6) on the topic of prescribing and/or dispensing controlled substances and dangerous drugs; and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

STUART HOFFMAN, M.D.

December 7, 2011

Stuart Michael Hoffman, M.D.
77 Birchwood Dr.
Gouverneur, NY 13642

Dr. Hoffman:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 10-20386-1.

In accordance with its acceptance of the agreement, the Board has entered an Order finding that your actions by failing to utilize reasonable care, skill and/or knowledge in the case(s) of Patient A and B were a violation of NRS 630.301(4) & NAC 630.040. The Order calls for you to be publicly reprimanded, that you attend ten (10) hours of CME in laparoscopic cholecystectomy, cholecystitis, urinary fistula and GI-related carcinoma, and that you reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners
cc: David Mortensen, Esq.

Attachment # P

PUBLIC REPRIMANDS ORDERED BY THE BOARD

ROMUALDO ARAGON, JR., M.D.

December 8, 2011

Romualdo Aragon, Jr., M.D.
2870 S. Maryland Pkwy., Ste. 120
Las Vegas, NV 89109

Dr. Aragon:

On December 2, 2011, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee in relation to the formal Complaint filed against you in Case Number 11-12861-1.

In accordance with its acceptance of the agreement, the Board has entered an Order finding that your practice of stamping and/or signing blank prescriptions in your practice is a violation of NRS 630.304(4). The Order calls for you to be publicly reprimanded, that you pay a fine of \$2,000.00, that you complete continuing medical education hours regarding ethics and orders you to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Jack C. Juan, Esq.
Jack F. DeGree, Esq.

ALAN BURSTEIN, M.D.

March 15, 2012

Alan Burstein, M.D.
9030 W. Sahara Avenue, PMB #441
Las Vegas, NV 89117-5744

Dr. Burstein:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board)

accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee relating to the formal Complaint filed against you in Case Number 11-12112-1.

In accordance with its acceptance of the agreement, the Board entered an Order finding that you agreed that the Board may find your care of the patients at issue constituted a violation of Nevada Revised Statute Section 630.301(4), malpractice, as defined by Nevada Administrative Code Section 630.040. The Order calls for you to be publicly reprimanded, and orders you to complete six (6) hours of continuing medical education on the topic of medical records/documentation in addition to those hours required to maintain licensure, and to further comply with all terms and conditions of the agreement and to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case as outlined in the agreement.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners

cc: Kathleen Janssen, Esq.

GERALD DUNN, M.D.

March 15, 2012

Gerald W. Dunn, M.D.
10432 Profondo Ct.
Las Vegas, NV 89135

Dr. Dunn:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement, Waiver and Consent Agreement between you and the Board's Investigative Committee relating

to the formal Complaint filed against you in Case Number 11-4343-1.

In accordance with its acceptance of the agreement, the Board entered an Order finding that you agreed that the Board may find that your care of the patient at issue constituted a violation of Nevada Revised Statute Section 630.301(4), malpractice, as defined by Nevada Administrative Code Section 630.040. The Order calls for you to be publicly reprimanded and orders you to pay a fine of \$1,000.00 and to reimburse the Board the reasonable costs and expenses incurred in the investigation and prosecution of this case.

Accordingly, it is my unpleasant duty as President of the Board to formally and publicly reprimand you for your conduct which has brought professional disrespect upon you and which reflects unfavorably upon the medical profession as a whole.

Sincerely,

Benjamin J. Rodriguez, M.D., President
Nevada State Board of Medical Examiners
cc: Robert McKenna, Esq.

MICHAEL FISHELL, M.D.

March 14, 2012

Michael L. Fishell, M.D.
2505 Anthem Village Drive, Suite E625
Henderson, NV 89052

Dr. Fishell:

On March 9, 2012, the Nevada State Board of Medical Examiners (Board) accepted the Settlement Agreement proposed between you and the Board's Investigative Committee in relation to the formal Complaint filed against you regarding Case Number 12-18246-1.

In accordance with their acceptance, the Board has entered an Order which found you guilty of violating Nevada Revised Statute 630.301(4). The finding is related to your care and treatment of the patient at issue in the underlying Complaint; specifically, that you inadvertently left a needle catheter in the patient's coccygeal

Attached to B



LANDSMAN, Henry, M.D. (4021)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Landsman's treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Action Taken: On December 2, 2011, the Board found Dr. Landsman guilty of a violation of NRS 630.301(4), as set forth in the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$200 fine; (3) six hours continuing medical education regarding documentation at the time of discharge against medical advice; (4) reimbursement of the Board's fees and costs of investigation and prosecution.

LEE, Brian, M.D. (12072)

Las Vegas, Nevada

Summary: Alleged failure to maintain appropriate medical records related to Dr. Lee's treatment of four patients.

Charges: Four violations of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Dr. Lee violated NRS 630.3062(1) (2 counts) and imposed the following discipline against him: (1) public reprimand; (2) ten hours continuing medical education regarding medical record keeping; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

MATHIS, Eddie, M.D. (6138)

Las Vegas, Nevada

Summary: Alleged malpractice related to Dr. Mathis' treatment of a patient.

Charges: One violation of NRS 630.301(4) [malpractice].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Mathis violated NRS 630.301(4) and imposed the following discipline against him: (1) public reprimand; (2) \$2,000 fine; (3) 15 hours continuing medical education regarding medical record keeping; (4) reimbursement of the Board's fees and costs of investigation and prosecution. Count I of the Complaint was dismissed.

of the Board's fees and costs of investigation and prosecution.

NATHU, Rakesh, M.D. (9337)

Las Vegas, Nevada

Summary: Dr. Nathu was the subject of a federal investigation related to his medical billing practices and entered into a settlement agreement with the Department of Health and Human Services and the Office of the Inspector General as a result thereof.

Charges: One violation of NRS 630.301(9) [engaging in conduct that brings the medical profession into disrepute]; one violation of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Nathu violated NRS 630.3062(1), as set forth in Count II of the Complaint, and imposed the following discipline against him: (1) \$2,500 fine; (2) 15 hours in-person continuing medical education regarding medical records and billing; (3) reimbursement of the Board's fees and costs of investigation and prosecution.

OUTLAW, Edward, M.D. (10630)

Las Vegas, Nevada

Summary: Alleged abandonment of numerous medical records in a foreclosed, bank-owned property.

Charges: One violation of NRS 630.3062(1) [failure to maintain, timely, legible, accurate and complete records relating to the diagnosis, treatment and care of a patient]; one violation of NRS 630.3065(1) [willful disclosure of a communication privileged pursuant to a statute or court order].

Disposition: On March 9, 2012, the Board accepted a settlement agreement by which it found Dr. Outlaw violated NRS 630.3065(1), as set forth in Count II of the Complaint, and imposed the following discipline against him: (1) public reprimand; (2) \$2,500 fine; (3) reimbursement of the Board's fees and costs of investigation and prosecution. Count I of the Complaint was dismissed.

PAULIN, Sebastian, M.D. (6895)

Las Vegas, Nevada

Summary: Dr. Paulin voluntarily surrendered his license to practice medicine in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On March 9, 2012, the Board accepted Dr. Paulin's voluntary surrender of his license to practice medicine in Nevada while under investigation.

ROBERTS, Gary, CRT (RC36)

Henderson, Nevada

Summary: Alleged practice of respiratory care while under the influence of a controlled substance.

Charges: One violation of NAC 630.540(9) [rendering respiratory care to a patient while under the influence of alcohol or any controlled substance or in any impaired mental or physical condition]; one violation of NAC 630.540(23) and NRS 630.306(1) [inability to practice respiratory care with reasonable skill and safety due to illness, a mental or physical condition or use of alcohol, narcotics or any other substance].

Disposition: On December 2, 2011, the Board accepted a settlement agreement by which it found Mr. Roberts violated NAC 630.540(9), NAC 630.540(23) and 630.306(1) and imposed the following discipline against him: (1) revocation of license, with the revocation stayed contingent upon compliance with 60 months' probation with numerous terms and conditions, including suspension of his license for 120 days from the date of summary suspension of his license on August 22, 2011, said summary suspension to be lifted and his license to practice reinstated to the appropriate license status on December 19, 2011; (2) reimbursement of the Board's fees and costs of investigation and prosecution.

RUHL, Diane, PA-C (401)

North Las Vegas, Nevada

Summary: Ms. Ruhl voluntarily surrendered her license to practice medicine in Nevada.

Statutory Authority: NRS 630.240 [voluntary surrender of license].

Disposition: On December 2, 2011, the Board accepted Ms. Ruhl's voluntary surrender of her license to practice

COVER SHEET

BEGIN CLAIM

3

CLAIM 3.

The following civil rights have been violated: 14th U.S. Amend. Due Process
two Equal Protection, resulted in S.D.C.C. failure to Reclassifie ADA
qualified resulting in improper calculation of Time with a longer Prison Term

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

The following claims will clearly Direct The Courts
TO IMPROPER Calculation of Time unconstitutional Failure
To Reclassifie Disabled Inmate "ANDERSON" By NEVADA
Department of Correction, Director of prison James DeMenoa,
Warden Jerry Howell, and OFFENDER Management Department.
ANDERSON demonstrates That He Has a legitimate
Disability AND THAT He was other-wise qualified
AND THAT [S.D.C.C] [OMD] Either excluded
His participation. This was Beginned /Started
By C/O Williams whay Also Denied Plaintiff
The Benefits of SERVICE, Program Activity
whay The Above mentioned other-wise Subjected
"ANDERSON" To Discirimination on The Basis of
His Physical Ill-ness. ON 1-15-2020
Administrative Personal "SI Clark" States
IN Grievence Response # 20063095454
That "ANDERSON" Has Had A # 5 Restricition
SINCE 9-11-2019: SEE Attachment # K Found

Claim #3

Claim Number #2 Attachments; Fact under color of law
TIER 5 INMATES ARE CERTIFIED MEDICALLY RESTRICTED
TO PAY INMATE WORK PROGRAMS. AND ARE TO BE RECLASSIFIED
BY AN [A.D.A] COORDINATOR, WHOSE REPORTS THIS RECLASS
TO [OMD] IN WHICH A.D.A RECLASSIFICATION PROGRAMS
STOP INMATE WORK CREDIT LOSSAGE OF 72 DAYS A YEAR

DUFFY v. KIVELAND 98 F3d 447. 455 (9th Cir 1996)

O'GUINN v. LOVELOCK CORR CTR 502 F3d 1056 1060
(9th Cir 2007) SEE. 42 U.S.C.A. § 12132

"ANDERSON" is UNABLE TO WORK AS WELL AS S.D.C.C.
Medical Dept Declaring ANDERSON 100% DISABLED
9-11-2019, Due To His Battle with "Kiyuras Disease"
In which ANDERSON OTHER-WISE WOULD QUALIFY. AS
"ANDERSON" WORKED "YARD LABOR" UNTIL S.D.C.C. Medical
Dept, Distribution of "ANDERSONS" INDEFINATE LAY-IN
ON (5-2-17) IN WHICH ANDERSON IS NEVER CLEARED
TO WORK AGAIN BY S.D.C.C. Medical Dept as a
RESULT OF ANDERSONS BATTLE WITH THIS "STRANGE"
NEW ILLNESS CALLED "Kiyuras Disease" IN WHICH
N.D.O.C. BECAME AWARE OF ANDERSON ILLNESS
ON OR about 10-13-2013 OR BEFORE. WHICH
THE EFFECTS OF ANDERSONS ILLNESS BEGIN
TO TAKE EFFECT ON SHOW THEM-SELF ON
OR about 5-2-17

Claim #3

while ANDERSON still Qualified for Inmate work
ANDERSON Held The following yard labor Positions
#1 yard labor Clerk, #2 yard labor Trashman
#3 yard labor lawn man. "ANDERSON" Complaints He was
Terminated while on "Medical Lay-In" By
Glo Williams with-out (Medical or written Howell's)
Clearance Being Granted To Return To work. The
Termination was as ANDERSON was Refusing work
in which was not the issue. The fact while ANDERSON
was still under in-definite Medical Lay-In AND
per Medical orders could not return to work due
to ANDERSON'S knee's being Swelling
Continued a result of his ill-ness in which
the effects of "Kiyuras Disease" are most of the
time very hard to detect with-out knowledge
of this ill-ness which at time takes on "Stealth"
form. This at other time shows: Through #1 Migrain Headache
#2 Thining skin #3 swelling knee's, Ankle, wrist
#4 Ear canal swelling making tight ear hard to hear
#5 Ear pains due to swelling, #6 a weakened immune
system #7 poor wound healing. Making it hard
to work during inflammatory flair. Drups

Claim #3

ANDERSON REQUESTED TO RETURN TO WORK OR light Duty
"Request was (Medically Denied) SEE Page # 32
EXHIBIT # 17 TURNS IN intended petition. Also SEE EXHIBIT
16 MEDICAL Lay-IN-OUTS ANDERSON was Also Found
To Have (Carpal Tunnel syndrome) which Causes "Great Pain"
IN ANDERSONS hands two without. These ILLNESS Plaintiff
would Qualify For any and all work Programs (specific
job programs) Now Due To a Second Discovered UNDER-LINED
ILLNESS Plaintiff Now Doesn't Qualify For any work Programs
Now with The 25% of Disqualification Plaintiff Is Denied
work credit or work Programs Due To His Physical Disabilitys
ANDERSON is not mistaken That [ADA] Benefits He Does "Qualify"
and These Benefits would Restore lost work Days or (72)
Days a year Taken For not working That An ADA Coordinator
would correctly Reclassifie ANDERSON according To His Medical file
Allowing A.D.A Benefits For Disabled Inmates with Physical
And/or Mental Disabilitys caused By The Effects of Their
ILLNESS IN-which [N.D.O.C] [S.D.C.C] Doesnt
OFFER any A/R 658 Title III Protection which
IS a DisRegarded To 504 Rehab Act
A.D.A. Mandates AND A MANDATORY
State AND Federal MANDATE ADMINISTRATIVE
Regulation A/R 658 Title III Americans
With Disabilitys Act which S.D.C.C Doesn't Offer
ANDERSON

PRINT NAME: ANTHONY L. ANDERSON
 (Also print Name and ID# at bottom of form where indicated)

ID#: 1088999
 DOB: 9/11/1963

Institution: SACC Date submitted: 7/6/18 RECEIVED 7/6/18
 Signature: Anthony L. Anderson

Medical: Dental: Mental Health: Nursing: Other:

Reason for request: (Describe below)
Requesting light duty work clearance
Medicam treated

DO NOT WRITE IN AREA BELOW

Response to request:
 You have been placed on nursing sick call list.
 Please wait, as the schedule is permitted by
 priority of request/situation & order. Thank
 you.

Appointment Schedule for: / / Rescheduled for: / /
 No visit necessary
 No Show for Appointment
 Refused to be seen. DOC 2523-Release of Liability signed

PRESCRIPTIONS

KOP NON-KOP
 Order Date: / /

PLAN

Follow-up appointment / / Return if needed
 No follow-up required

7/6/18
 Signature/Title of Provider Anthony L. Anderson Date 7/6/18

NEVADA DEPARTMENT OF CORRECTIONS
**MEDICAL KITE and/or
 SERVICE REPORT**

NAME: Anthony L. Anderson First: A MI: K
 ID#: 1088999

(31)

Exhibit #17

DOC 2500 (03/1B)

Never Cleared

TO WORK SINCE
above mentioned Date
lost of (12) Days a year
E. - 2013 -

38

MEDICAL ORDERS / LAY-IN							
DISTRIBUTION: Inmate Medical Record COPY PROVIDED TO: <input type="checkbox"/> Property <input checked="" type="checkbox"/> Custody <input type="checkbox"/> Classification <input checked="" type="checkbox"/> Inmate FROM: Health Services DATE: <u>6-2-17</u>							
<p>Please be advised that the following has been ordered by the medical provider for the inmate named below:</p> <hr/> <hr/> <hr/>							
Days:	<input type="checkbox"/> 5	<input type="checkbox"/> 10	<input type="checkbox"/> 20	<input type="checkbox"/> 30	<input type="checkbox"/> 45	<input type="checkbox"/> 60	<input type="checkbox"/> 90
<input type="checkbox"/> Inmate is to lay-in _____ days				From: _____ To: _____			
<input type="checkbox"/> Inmate is to lay-in _____ weeks				From: _____ To: _____			
<input type="checkbox"/> Inmate is to be medically unassigned				From: _____ To: _____			
<input type="checkbox"/> Inmate is on athletic restrictions				From: _____ To: _____			
<input checked="" type="checkbox"/> Other: <u>UNTIL SEEN BY MEDICAL PROVIDER</u>							
<u>Dr. Penn</u> / <u>JK</u>				<u>6-2-17</u>			
Medical Practitioner Signature				Date: _____			
<p>I understand that I <u>will not</u> receive work credits until such time as I have been released by the Practitioner from this medical orders/lay-in or have been returned to work by the Classification Committee.</p>							
Inmate Signature		ID#		Housing Unit		Date	
If Required:							
<input type="checkbox"/> APPROVED				<input type="checkbox"/> DISAPPROVED			
Warden Signature				Date: _____			
<p>Note: Warden must confer with health authority to determine what appropriate alternative treatment will be given before any disapproval is finalized.</p>							
NEVADA DEPARTMENT OF CORRECTIONS MEDICAL ORDERS LAY-IN				NAME: <u>ANDERSON, Anthony</u> Last First MI ID# <u>1082979</u> INSTITUTION: <u>SDCC</u>			

DOC 2531 (01/13)

EXHIBIT #16

Page #1 of A/R 658 Title III Hand copy is to ensure that [N.O.C] is in compliance with Titles III of AR 658. [A.D.A] acts as well as Section 504 Rehabilitation acts the [A.D.A] gives state and federal civil rights protection to individuals with disabilities [A.D.A] guarantees equal protection and equal opportunity's for individuals with both hard to "detect" disabilities and those that are "open and easy to detect" for individuals in public accommodations, prisons, employment and transportation: state and federal including local government and governing state laws

#1 The Director of NEVADA Prison system is responsible to ensure his administration development in which A/R 658 were Dir. Dzurenda's signature 5-15-2018 with applicability to [A.D.A] mandates in which is "Fraud" and "rule with unusual punishment"

#2 The "warden" of each institution is responsible to manage and or train a designee (Coordinator) responsible to ensure operational procedures of [A.D.A] mandates are operational and implemented at each facility on institution which worken "Terri Howell" failed to ensure it S.D.C.C.

#3 The Medical Director at each two every institution is to ensure a completely trained and certified A.D.A staff is implemented with applicability which A/R 658 wears the signature of Medical Director "Romeo Kansas" 6-12-18

Clay #3

N.D.O.C Doesn't Follow Americans with Disabilities Act
504 Rehabilitation Act. IS NEVER OFFERED TO
ANDERSON EVEN AFTER HIS REQUEST. IN WHICH

AIR 658.01. (C) states on page #2 of AIR 658
658.01 (C) Substantial limitations of major life activity
AIR 658.01 (D) Physical or mental Impairments "Lymphatic
Skin" Heric and or Endocrine Cosmetic Disfigurement
Anatomical loss affecting one or more of the body's systems
Reproductive System Digestive System Special sense organs
See D.3

658-02 A.B.C.D.E

658-03 # 1.2 3

658-04 Equal access

658-05 # 1 A.B.C. D. E. F G. H.2. H.3.

658-06 Request for reasonable accommodations

1.2.3 3.A. 3.B. 3.C. 3.D. 3.E

658-07 # 1 1A 1E 1F 1G

658-09.

658-10 # 12 3

AIR 658 Title I II III Signature James Dzurenda 5-15-18

MEDICAL DIRECTOR Romeo Trujillo 6-12-18 (ANDERSON)

Requested The Above MENTIONED Accommodations 8-13-18

To Discover S.D.C.C. Doesn't OFFER an A.D.A
Coordinator To Reclassifie (ANDERSON)

Claim #3

When "ANDERSON" Requested The Benefits of A/R
658- [S.D.C.C. 1st Response was "Sorry Medical
Doesnt Have This Requested A.D.A. For You Please SEE
Your Case Worker IN which UNDER Color OF
Law [CCSI L ANDERSON] States She Has NO
Knowledge of Any A.D.A. Protocol. [CCSII Case Worker
Cath Sutterly] States He Also Has NO Knowledge OF
Any A.D.A. Provision on Protocol ANDERSON Filed
GRIEVANCE # 20063069946 ANDERSONS GRIEVANCE ISSUES
where NEVER Correctly ANSWERED Nor was any A.D.A
Personnel INFORMED. ANDERSON Realizes The Sad
Realization There No! ADA Coordinator STATIONED at
S.D.C.C. which IS plain TWO Simple Acts of FRAUD
UNDER COLOR OF A.D.A. law By all Before mentioned
Defendants

which on 9-11-2019 Said Prison "Dr Lansyan" classified
ANDERSON 100% Disable. Question To The Courts
was Said Dr Lansyan a Real Doctor?
HERE FOUNO in Attachment #3(#4) GRIEVANCE # 20063095454
Issue Date 1-15-2020 N.D.O.C states The Said Doctor
Cannot label you as 100% Disable with The
ADMINISTRATION Having Knowledge of The PRISON DOCTORS
Diagnosis - AND Refuse To Act on Provider Findings
The ADMINISTRATION of [S.D.C.C] Must Have Knowledge Not
Available To Plaintiff!

Claim #3

AS IN Randolph vs. Rogers 980 FSupp 1051:

The Courts Held That Failure To Provide An Interpreter Did Not Deny Due Process of Law" But Failure To Move Forward with A.D.A Provision Causes undue hardship under Turner Standards.

"ANDERSONS" conditions significantly affects his daily activities. ANDERSON HAS RECORDED CHRONIC AND SERIOUS ISSUES THAT KEEP HIM FROM WORKING HE SUFFERS ALL THE BEFORE MENTIONED AS HIS CHRONIC CARE RECORDS "REFLECT" Brock vs. Wright 315 F3d 158 (2nd Cir 2003) - ANDERSON HAS NOT BEEN ALLOWED ANY [A.D.A] ACCOMMODATIONS FOR HIS PHYSICAL OR MENTAL DISABILITIES Bradley vs. Puckett 157 F3d 1022 (5th Cir 1998). ANDERSON CLAIMS FULL SUPPORT NEGLIGENCE BY AND THROUGH PRISON DOCTORS AND NURSES LEADING TO [A.D.A] MAL-PRACTICE AND MEDICAL MAL-PRACTICE Jones vs. UNITED STATES 91 F3d 623 (3rd Cir 1996) S.D.C.C. BREACHED A MANDATED MANDATORY DUTY TO "ANDERSON" THIS DUTY IS FOUND IN AIR 658 A.D.A. ACCOMMODATIONS Plummer vs. UNITED STATES 580 F2d 72 (3rd Cir 1978) ① ELIBERATE INDIFFERENCE CAUSED NEW INJURY

Clair #3

ANDERSON INFORCED S.O.C.C. Medical Dept That
Prison Continued use Has BEGIN TO Effect His
Physical Abilities AND was Taken a large Toll on
ANDERSONS weight Skin Textures, Hearing Problems
and Reproductive System Illness's ON The Physical
Neglect Prison AND ANDERSON Also Since 2017
Continued To INFOR N.D.O.C. OF Their Duty
To Make Corrections To The Longer Restraint
From Liberty Due To Being EXTORTED out of
72 Days a year when He is NOT ALLOWED TO
work N.D.O.C. Duty is Found in A/R 658
A.D.A ACCOMMODATIONS Player VS UNITED STATES
580 F2d. 72. (3rd Cir 1978)

Deliberate INDIFFERENCE is Found IN
ESTILLA VS GAMBLE 429. 215 97 (1976)
TURNER VS Safley

The Supreme Court Held. THAT when a PRISONER
OR PRISON Regulation IMPINGS ON INMATES
Constitutional Rights The Regulation is VALID
IF it is Reasonable Related To Legitimate
Penological Interest. [ANDERSON] States
The Legitimate Penological Interest
IS A/R 658 Rehab Act A.D.A

Claim# 3

Have a NON-Medical official INTERFERES (MINEN)
 THIS SAYE. NON-Medical official INTERFERES with
 Placement that Doctor, lansdyan, has Declared AS FOUND
 IN: Estelle, 429 US. at 104-05; LOPEZ V. Smith,
 203 F.3d 1122 (9th Cir 2000) in which Plaintiff has
 suffered HARM such as NO [A.D.A] Care. THIS INJURY
 is a RESULT OF PRISON OFFICIALS DELIBERATE INDIFFERENCE
 PRISON OFFICIALS CAN ALSO BE HELD LIABLE EVEN FOR FOLLOWING
 THE ADVICE OF PRISON MEDICAL OFFICIALS. HAVE AND(SON)
 BRINGS TO THE ATTENTION OF THE COURTS HIS NEED FOR
 Compliance AT "AK 658" BY PRISON OFFICIALS FOR
 OTHER A.D.A Critical Care AND Disability. MCRAVEN
 V SANDERS, 577 F.3d 974. (8th Cir 2009) # AS S.D.C.C.
 PRISON AND MEDICAL OFFICIALS KNEW AND KNO' ABOUT PLAINTIFFS
 MEDICAL NEEDS AND [A.D.A] REQUEST S.D.C.C. EVEN
 HAVING KNOWLEDGE OF ADMINISTRATIVE FINDING #
 20063095154 ON 10-12-2020 ON 6-11-2020 ON 3-25-20
 TWO PRISON OFFICIALS FAILED TO RESPOND REASONABLY TO IT
Estell, 429. US at 104. GUTIERREZ V. PETERS 111. F.3d
 1369 (7th Cir 1997). GENERALLY COURTS AGREE THAT
 THE EXISTENCE OF A SERIOUS OR CHRONIC MEDICAL NEED
 DEPENDS ON THE FACTS SURROUNDING EACH INDIVIDUAL
Smith V. Carpenter, 316 F.3d 178 (2d Cir 2003)
 IN CONSIDERING WHETHER YOU HAVE A SERIOUS MEDICAL
 NEED THE COURT WILL LOOK AT SEVERAL FACTORS
 INCLUDING # 1 WHETHER A REASONABLE DOCTOR OR
 PATIENT WOULD CONSIDER THE NEED WORTHY OF
 COMMENT OR TREATMENT

Claim #3

NOTICE OF Factual Findings of Medical Mal-Practice/ADA
Facts Plaintiff contains either MEDICAL Mal-Practice
or He's NEVER Received a [A.D.A] Classification. IN
which The Attachement States I was labeled or Declared
100% Disable During a Detailed Exam By Said Doctor
"Henry Landspur" which Took place at [S.O.C.C] Medical unit
on 09-11-2019. IN which Level 2 Response was The
Doctor or Medical Provider can only Fill out this part
of The Form AND The Doctor Cannot label you as 100%,
Disable : even though He wrote what He Saw after a
Detailed Examination He can't Label you 100% Disable
if Protocol was in place concerning Mandated A/R 658 after
The Forms left The Provider it would Travel To
To [A.D.A] Coordinator Then "Reclassification" This
Said [A.D.A] NEVER left (Medical Housing unit) AT
[S.O.C.C]. Plaintiff : Here Holds Prison Officials liable
FOR NOT Helying AND Following what The PRISON
Doctor Tells Them, or Declares.

Johnson v. Doughty 433 F.3d 1001 (7th Cir. 2006)
Prison Guards or other NON Medical OFFicials
INTENTIONALLY DENY Plaintiff ACCESS TO [A.D.A]
Treatment AND AD.AD Accommodations.

Brown v. District of Columbia, 514 F.3d 1279
(DC Cir 2008)

Here Plaintiff's Said Doctor ORDERS Declaration
OF 100% Disable TO [N.D.O.C] [S.D.C.C]

Claim #3

658.3

IF The Health Care Practitioner is unable to determine that an identified Inmate qualifies under [A.D.A] The Practitioner is responsible to submit a request to The Utilization Review Panel to consult, by an "out-side specialist" to determine the level of disability and or hearing lost any appropriate specialist care for the inmate once the disability has been categorized into a course of treatment ordered. The inmate will be seen by a committee consisting of the [A.D.A] appropriate accommodations categories may be used to assist this process as determined by healthcare professionals. Note this process has never taken place also the records please be advised!

During my last visit with out-side specialist [Dr. Kelley] he states let me handle it (clear I say not in [A.D.A] Coordinator not am I [A.D.A] certified I cannot classify [A.D.A] disability patients I could loss my medical lic with those issues I wont deal with any [A.D.A] responsibility. CONTACT INFO Dr. G. Timothy Kelley M.D. 3Healthatology #702-341-5444 #702-341-5445

A/R 658.05.c

The Facility [A.D.A] Coordinator is responsible to record [A.D.A] determination recommended accommodations modifications or denial two explanations of denial to accommodations review classification security concerns. Plaintiff assures the courts this never took place more facts are total denial of A/R 658.05.c

Claim #3

Claim #3 ENDS at Page # 43

The Following Attachments are Supporting Framework

Attachment Claim #3 #1

Request for Reclassification 2-19-2020

Attachment Claim #3 #2

Request copy of INDEFINATE lay-IN

Attachment Claim #3 #3

Request Reclassification 2-16-2020

Attachment Claim #3 #4

Official Response landsman finds 100%

Disability But N.D.O.C. won't provide

Anderson with lost Days or A.D.A

Attachment claim #3 #5

Second Level Grievance concerning

100% Disable Finding Claim #4 AND #5

Front AND Back

Reclassification is not on Medical

But Case worker Specialist see claim #3 #5

1-15-2020 OFFICIAL RESPONSE

Attachment Claim #3 #6

Grievance denied Reclassification

6-25-19

SEE 6-6-2019 Medical cannot control

The loss of work credits Provider

won't allow return to work nor any Alternative

Glory # 3

Attachment claim #3#6

6-6-2019. Reclassification

Reclass is a requested visit
for inmates with medical
problems

Attachment claim #3#7

SHERIFFS OFFICE PROOF OF SERVICE

"Director" JAYES DZURENDA

"Warden" JERRY Hawel

"Med Director" HOYEO TRANAS

"Med Director" N.D.O.C IN EX REL N.D.O.C
Contract

State. of Nev. IN EX REL

NEVADA Dept of Corrections

PRINT NAME: <u>Anthony K. Anderson</u>	ID#: <u>1082999</u>
(Also print Name and ID# at bottom of form where indicated)	
Institution: <u>S.D.C.C.</u>	DOB: <u>9/1/64</u>
Medical: <input checked="" type="checkbox"/>	Dental: <input type="checkbox"/>
Mental Health: <input type="checkbox"/>	Nursing: <input type="checkbox"/>
Reason for request: (Describe below)	
<p>My #1 Issue on 2-16-2020 was the written status on my reclassification as of 9-11-2019 This does not frequent a visit to Medical</p> <p>#2 I am requesting my provider to renew my medicated prescription lotion which is starting to crack.</p>	
DO NOT WRITE IN AREA BELOW	
Response to request:	
<p>The medical schedule is based on priority of needs & current waiting time. You will be seen in approximately 6-9 wks. If your condition worsens, please submit a kite for nursing sick call. Thank you.</p>	
<input type="checkbox"/> Appointment Schedule for: <u>1/1</u> Rescheduled for: <u>1/1</u> <input type="checkbox"/> No visit necessary <input type="checkbox"/> No Show for Appointment <input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed	
PRESCRIPTIONS	
<input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP <input type="checkbox"/> Order Date: <u>1/1</u>	
PLAN	
<input type="checkbox"/> Follow-up appointment <u>1/1</u> <input type="checkbox"/> Return if needed <input type="checkbox"/> No follow-up required	
Signature/Title of Provider <u>Dr. 2/19/20</u> EXHIBIT (B)	
NEVADA DEPARTMENT OF CORRECTIONS MEDICAL KITE and/or SERVICE REPORT	
NAME: <u>Anderson Anthony K.</u> Last <u>K</u> First <u>Anthony</u> MI <u></u> ID#: <u>1082999</u> Unit/Cell#: <u>12-A-4-D</u>	

APR 23 2019
403-23-PEL/1

PRINT NAME: <u>Anthony G. Anderson</u>	ID#: <u>1082999</u>
(Also print name and ID# at bottom of form where indicated)	
Institution: <u>S.D.C.C.</u>	DOB: <u>1/19/14</u>
Medical: <input checked="" type="checkbox"/>	Dental: <input type="checkbox"/>
Mental Health: <input type="checkbox"/>	Nursing: <input type="checkbox"/>
Other: _____	
Reason for request: (Describe below)	
<p><u>I am Requesting a Copy</u> <u>OF THE ORDER I SENT TO MY HEALTH CARE</u> <u>INSTRUCTING N.D.O.C. STAFF TO</u> <u>ON INDEMNITY, 1/9-IN IN 2017</u></p>	
DO NOT WRITE IN AREA BELOW	
Response to request:	
<p><u>Scheduled for</u> <u>Chart Review, 5/3/19</u></p>	
<input type="checkbox"/> Appointment Schedule for: <u>1/1/19</u> Rescheduled for: <u>1/1/19</u> <input type="checkbox"/> No visit necessary <input type="checkbox"/> No Show for Appointment <input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed	
PRESCRIPTIONS	
<input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP <input type="checkbox"/> Order Date: <u>1/1/19</u>	
PLAN	
<input type="checkbox"/> Follow-up appointment <u>1/1/19</u> <input type="checkbox"/> Return if needed <input type="checkbox"/> No follow-up required	
Signature/Title of Provider _____ Date _____	
NEVADA DEPARTMENT OF CORRECTIONS MEDICAL KITE and/or SERVICE REPORT	
NAME: <u>Anderson, Anthony</u> Last <u>Anderson</u> First <u>Anthony</u> MI <u>A</u> ID#: <u>1082999</u> Unit/Cell#: <u>12-A-470</u> = <u>111</u> [REDACTED] <u>DOC 2500 (03/18)</u>	

Attachment Claim #3 #2

PRINT NAME: <u>Anthony K. Anderson</u>	ID#: <u>1082999</u>
(Also print name and ID# at bottom of form where indicated)	
DOB: <u>9.11.1967</u>	
Institution: <u>S.D.C.C.</u>	Date submitted: <u>2/16/2020</u>
Medical: <input checked="" type="checkbox"/>	Dental: <input type="checkbox"/>
Mental Health: <input type="checkbox"/>	Nursing: <input type="checkbox"/>
Reason for request: (Describe below)	
<p># 1) Requesting Status on Reclassification</p> <p># 2) Swollen "NUMBER 1 HIP JOINT" AS well as other hip joints, "threws To us 12" KNOTS in 6400</p> <p># 3) Facial Swellings more intense than regular with SEVER Face Pains Right Side</p> <p># 4) Worse Return of (Migraine, Head aches) with right Eye Strain</p>	
DO NOT WRITE IN AREA BELOW	
Response to request:	
<p>The medical schedule is based on priority of needs & current waiting time. You will be seen in approximately 6-9 wks. If your condition worsens, please submit a kite for nursing sick call. Thank you.</p>	
<p style="text-align: right;">RECEIVED</p> <p style="text-align: right;">FEB 17 2020</p>	
<p><input type="checkbox"/> Appointment Schedule for: <u>1 1</u> Rescheduled for: <u>1 1</u></p> <p><input type="checkbox"/> No visit necessary</p> <p><input type="checkbox"/> No Show for Appointment</p> <p><input type="checkbox"/> Refused to be seen. DOC 2523-Release of Liability signed</p>	
PRESCRIPTIONS	
<p><input type="checkbox"/> KOP <input type="checkbox"/> NON-KOP</p> <p><input type="checkbox"/> Order Date: <u>1 1</u></p>	
PLAN	
<p><input type="checkbox"/> Follow-up appointment <u>1 1</u> <input type="checkbox"/> Return if needed</p> <p><input type="checkbox"/> No follow-up required</p>	
<p><u>2,17,2020</u></p>	
<p>Signature/Title of Provider: <u>Anthony K. Anderson</u></p>	
<p>EXHIBIT Date: <u>2/17/2020</u> (1)</p>	
<p>NEVADA DEPARTMENT OF CORRECTIONS</p> <p>MEDICAL KITE and/or SERVICE REPORT</p>	
<p>NAME: <u>Anthony K. Anderson</u></p> <p>Last: <u>Anderson</u> First: <u>Anthony</u> MI: <u>K</u></p> <p>ID#: <u>1082999</u></p> <p>Unit/Cell#: <u>12-A-4-1</u></p>	

Attachment Claim #3 #3



State of Nevada
Department of Corrections

INMATE GRIEVANCE REPORT

ISSUE ID# 20063095454

ISSUE DATE: 01/15/2020

INMATE NAME	NDOC ID	TRANSACTION TYPE	ASSIGNED TO		
ANDERSON, ANTHONY KENNETH	1082999	RTRN_L2	MMINEV		
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
2	08/24/2020		Resolved	VAUSTIN	INACTIVE

INMATE COMPLAINT

OFFICIAL RESPONSE

Monetary demands are not made through grievance process. Your request for \$20,000 is denied.

It was explained to you during your clinic visit that the Medical Provider can only fill up his part of the form , he cannot Label you as 100% Disabled , he wrote what he saw after a detailed examination . The loss of time is not for medical to decide , you were also made aware about this . These inquiries of yours were all answered on previous grievance response . Resolved

Anthony K. Anderson K. Mcg
#1082999

10-12-2020

How is The Grievance (The Sad Doctor wrote what he saw after a detailed examination) resolved? → [N.D.O.C] [S.D.C] The response is Michael Ahmed, M.D. → FRAUD. This was NEVER DISCUSSED

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: AUG-24-20 03:08 PM

Attached griev #3 #4



The above was NEVER Page 1 of 2 stated during any clinic visit AND is stated in ERROR! Only DR's can label you disabled

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony K. Anderson

I.D. NUMBER: 1082999

INSTITUTION: S.D.C.C.

UNIT #: 11-B-2-E

GRIEVANCE #: 20063095454 GRIEVANCE LEVEL: 2 N d

GRIEVANT'S STATEMENT CONTINUATION: PG. 1 OF 2

9-11-2019 with MR B.Gutierrez in opposition
Requesting with Landsman During my visit
After Landsman Filled out my A.D.T
Copy to Reclassification Found in my
Medical File Directly under the Notice
of litigation warning. SEE Medical file
This cannot be over - looked Dr Landsman
Declares #1 ANDERSON 100% Disable
Due Kiyura Disease #45 percent #2 20%
Disable Due To Bowles DISORDER Disease
#3 5% Due To obesity caused by long TERM
Steroids use Prednisone.

This Grievance was never Addressing
Any lost of Time But Only Dr. Landsman's
Recalculation, This Grievance Addressed
My changing two hateful side effects

Original: Attached to Grievance
Pink: Inmate's Copy

Claim #3 #5



**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE CLAIM FORM**

THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,
209.243 AND ADMINISTRATIVE REGULATION 740

DO **NOT** SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,
BOARD OF EXAMINERS, OR DIRECTOR

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$ 20,000⁰⁰ is hereby made against the Department of Corrections, based upon the following facts:

1. NAME OF CLAIMANT (Please print full name)		2. I.D. #	3. INSTITUTION
		1082999	S.D.C.C.
4. AMOUNT OF CLAIM <i>Twenty Thousand \$ 20,000.00</i>	5. DATE AND DAY OF OCCURRENCE <i>12-26-2019</i>	6. TIME (a.m. or p.m.) <i>2:10 PM</i>	
7. PLACE OF OCCURRENCE <i>Southern Desert Correctional Center Medical Dept</i>			

DOC 3095 (12/01)

Claim # 3 #5



**State of Nevada
Department of Corrections**

INMATE GRIEVANCE REPORT

ISSUE ID# 20063095454

ISSUE DATE: 01/15/2020

INMATE NAME	INDOC ID	TRANSACTION TYPE	ASSIGNED TO		
ANDERSON, ANTHONY KENNETH	1082999	RTRN_L1	BGUTIERREZ		
LEVEL	TRANSACTION DATE	DAYS LEFT	FINDING	USER ID	STATUS
1	05/14/2020	5	Denied	SCOOK	INACTIVE

INMATE COMPLAINT

OFFICIAL RESPONSE

Denied including the \$ 20,000.00 claim.

I reviewed your medical records and saw that you were medically classified on 9/21/19, we cannot classify you as you are requesting to be Labeled Disabled, we can only write what we saw is appropriate, about your time loss, it is not a medical decision but it is on the Casework Specialist to determine that, pls. write a kite to see a Provider if you think we missed something during our assessment.

↓
(There is no Case Worker
Specialist (A.D.A Coordinator)
at S.O.C.C.)

6-11-2020

X Anthony Anderson #1082999

X Reg 6/11/20

[S.O.C.C.] admits Medical Reclassification (9-21-19)
AND WONT honor
Dir. Landry's
100% Disable classification 6/21/2020

GRIEVANCE RESPONDER

Report Name: NVRIGR
Reference Name: NOTIS-RPT-OR-0217.4
Run Date: MAY-14-20 10:50 AM

This To us error, There is no
Case Worker Specialist at S.O.C.C. Page 1 of 10

Claim # 3 #5

Medicaid

Log Number 20063095454NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCENAME: Anthony K. Dickson I.D. NUMBER: 1082999
INSTITUTION: Southern Desert C.I. UNIT: 12-A-4-DI REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 20063095454, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony K. Dickson DATE: 4-2-2020WHY DISAGREE: #1 SC Clark and OK Southern Deserts staff, agents
Employee's "Failed" to answer, to respond or address
The complaint before they # 20063095454. IN
complaint # 20063095454 I NEVER addressed the last of
Day. SC Clark Attempts to divert the issues in complaintGRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 5520FIRST LEVEL RESPONSE: _____

GRIEVANCE UPHELD _____ GRIEVANCE DENIED _____ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: _____ DATE: _____GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 5520INMATE AGREES: [Signature] INMATE DISAGREES: _____
INMATE SIGNATURE: [Signature] DATE: 4-11-2020

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receiptReceived
SDCC

claim #3#5

MAY 01 2020

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony K. Anderson I.D. NUMBER: 1082999

INSTITUTION: S.D.C.C UNIT #: 12-A-4-D

GRIEVANCE #: 20063095454 GRIEVANCE LEVEL: 1st Level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

in which Mr Landsman's Medical Profession
is in fact in question - Landsman was
walked off the yard 2-19-2020

for the same behavior telling a inmate
the wrong information concerning his ill-ness
which is questionable concerning Henry Landsman's
Medical Board of Cal. Case where his Physicians
and Surgeons Certificate were Kept Kept
SEE: Attached, hearing held in "Las Vegas" NEVADA
Landsman Termination is the reason of the new
Provider! Kennedy Scott #1 Nurse Stacy
Cope Toured with Retaliation info regarding what
See heard #2 is now not Landsman was already
Terminated: #3 \$20,000 215 Dollars for
Retaliation/ Threat Danger of further
internal damages and stated stories

Original: Attached to Grievance
Pink: Inmate's Copy

Claim #3 #5



8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

#1 SEE Attachment 1: Landryan Medical Case "Las Vegas"

#2 SEE Medical Board Case Henry Kleinhold Landryan v California Medical Board # D1-2009-199740

#3 NEVADA Medical Board #11-5951-1 #4 Retaliation

ON 12-26-19 Landryan NEVER Addressed The Reason I was There and Sends Me To get E.K.G I NEVER Complained of Chest Pains Landryan Denies (My Medical Issues)

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

#1 Staff Member witness (Nurse Stacy) heard The Entire Act of Retaliation, and Heard me tell Landryan lets Address My Medical Issues Not Any Thing Else #2 "Bon" Head Nurse Also heard Landryan Loud out Breasts And Cough in The EXCY Room

10. Other pertinent information:

Landryan Admits therapeutic information To "ANDERSON" which Should have only Come forward During Discovery Stating Even Though you are the Right ANDERSON, you will NEVER win this case I know you won't Giving Medication Troy (2013 until 2017) so what that's Not Enough! To win

Claim #3 #5

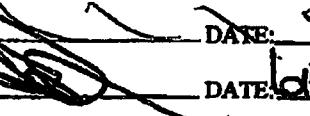
"*For Tracking purpose only*"
 Log Number 2006304471

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCE

NAME: Mr. Anthony K. ANDERSON ID. NUMBER: 1082999
 INSTITUTION: S.D.C.L. UNIT: 12-A-4-D

GRIEVANT'S STATEMENT: NEVADA Dept of Corrections "SECOND" IMPROPER
Calculation of Time. [Delay two denial of Medical Classification]
Causing The loss of work days. SEE (Exhibit #A). Date 2-22-19
"Current Waiting Time" 6-7 weeks. I havent been reclassified
AND my E.P.D has MOVED OVER 30 Days for Failure to work

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE:  DATE: 6/25/19 TIME: 9:11
 GRIEVANCE COORDINATOR SIGNATURE:  DATE: 6/25/19 TIME: 9:11

GRIEVANCE RESPONSE:

CASEWORKER SIGNATURE:  DATE: 6-25-19
 GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740
 GRIEVANCE COORDINATOR APPROVAL:  DATE: 6/25/19

INMATE AGREES INMATE DISAGREES
 INMATE SIGNATURE: Anthony K. Anderson DATE: 6-25-19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original: To inmate when complete, or attached to formal grievance
 Canary: To Grievance Coordinator
 Pink: Inmate's receipt when formal grievance filed
 Gold: Inmate's initial receipt

Received
SDCC
JUN 06 2019

Exhibit #26 2 of 5

AWP

DOC 3091 (12/01)

Attachment Claim #3 #6

11/01/2019

Log Number 2006308411

NEVADA DEPARTMENT OF CORRECTIONS
INFORMAL GRIEVANCENAME: Anthony J. Anderson I.D. NUMBER: 1082999
INSTITUTION: U.S. D.C.C. UNIT: 12-A-4-DGRIEVANT'S STATEMENT: NEVADA Dept of Corrections" Second Improper Calculation of Time. Delay two Denial of medical Reclassification Causing The lost of work Days SEE (EXHIBIT A)
Date 7-22-19 Caseworker Writing Time (-9 weeks)
I Haven't Been Reclassified and End the year over 30 Days

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony J. Anderson DATE: 6-25-19 TIME: 10:35
GRIEVANCE COORDINATOR SIGNATURE: SD DATE: 7/9 TIME: 3:30GRIEVANCE RESPONSE: _____

_____CASEWORKER SIGNATURE: SD DATE: 7-9-19 GRIEVANCE UPHELD GRIEVANCE DENIED ISSUE NOT GRIEVABLE PER AR 740GRIEVANCE COORDINATOR APPROVAL: SD DATE: 7/9 INMATE AGREES INMATE DISAGREESINMATE SIGNATURE: Anthony J. Anderson DATE: 8-9-19

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A FIRST LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To inmate when complete, or attached to formal grievance	Received
Canary:	To Grievance Coordinator	SDCC
Pink:	Inmate's receipt when formal grievance filed	JUL 02 2019
Gold:	Inmate's initial receipt	

AWP

DOC 3091 (12/01)

Claim #3 #6

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony K. Anderson I.D. NUMBER: 1082999

INSTITUTION: S.D.C.C. UNIT #: 12-A-4-0

GRIEVANCE #: T. B-1 GRIEVANCE LEVEL: Infra

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

SEE: EXHIBIT #C; MEDICAL Log IN INDIVIDUAL Log IN 5-2-14

SEE: EXHIBIT #D; ANDERSON REQUEST TO RETURN TO WORK, ANDERSON IS (REFUSED) 7-6-18. SEE EXHIBIT #E. DR KELLY PROHIBITION REQUESTING N.D.O.C GRANT NEW DRUG "Methotrate" SEE: EXHIBIT #F REQUEST COPY OF DRUG FACTS "1" CUSTODY NEVER INFORMS N.D.O.C OF ANDERSON'S SERIOUS MEDICAL ISSUES —

SEE: INDIVIDUAL Log IN #2 S.D.C.C NEVER REINSTATE ANDERSON

MEDICALLY CLEAR TO WORK: PROVIDER "DR. TIMOTHY" DECLINES TO REINSTATE —

"DR LANDIS" DECLINES TO REINSTATE, "DR OMANDAR" DECLINES TO REINSTATE

FACTS "ANDERSON" IS NOT ALLOWED NOR CLEARED TO WORK HOW CAN "ANDERSON" GET A DATE CHANGE OVER 40 DAYS FOR NOT WORKING WHEN N.D.O.C WANT CLEAR HIM FOR WORK? REHELD SOFT

N.D.O.C S.D.C.C. O.D.O MUST RECLASSIFY ANDERSON
ELIGIBLE TO PERFORM WORK DUTIES AND RESTORE

THE LOSS OF ORIGINAL EMPLOYMENT 6TH 2019

AS STATED BY ANDERSON IN OFFICIAL RESPONSE #20063069964

I CANNOT WORK LIKE I DID BEFORE BECAUSE OF DISEASE RELATED ISSUES

Original: Attached to Grievance
Pink: Inmate's Copy

11/16/2019
Log Number 2006308419

NEVADA DEPARTMENT OF CORRECTIONS
FIRST LEVEL GRIEVANCE

NAME: Anthony K. Anderson I.D. NUMBER: 1082999
INSTITUTION: S.D.C.C. UNIT: 12-A-4-D

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER 2006308419, IN A FORMAL MANNER. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Anthony K. Anderson DATE: 8-10-2019

WHY DISAGREE: While I disagreed with the official response
I say "not refusing to see the Doctor. Because
there are medical issues that need attention at this
time. Related to this Doctor! That are very hard to
explain AND NEED "extra attention AND understanding"

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 9/19

FIRST LEVEL RESPONSE: _____

GRIEVANCE UPHELD _____ GRIEVANCE DENIED _____ ISSUE NOT GRIEVABLE PER AR 740

WARDEN'S SIGNATURE: [Signature] TITLE: _____ DATE: 9/20/19

GRIEVANCE COORDINATOR SIGNATURE: [Signature] DATE: 9/20/19

INMATE AGREES _____ INMATE DISAGREES _____
INMATE SIGNATURE: Anthony K. Anderson DATE: 10-1-2019

FAILURE TO SIGN CONSTITUTES ABANDONMENT OF THE CLAIM. A SECOND LEVEL GRIEVANCE MAY BE PURSUED IN THE EVENT THE INMATE DISAGREES.

Original:	To Inmate when complete, or attached to formal grievance
Canary:	To Grievance Coordinator
Pink:	Inmate's receipt when formal grievance filed
Gold:	Inmate's initial receipt

Received
SDCC

AUG 8 0 2019

AWP

DOC 3083 (12/01)

Claim #3 #6

NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM

NAME: Anthony J. Anderson I.D. NUMBER: 1082999

INSTITUTION: G.O.C.C. UNIT #: 12-A-4-D

GRIEVANCE #: 2006308471 GRIEVANCE LEVEL: 1st level

GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

Also keep Fighting little. I am not in pain. Also SEE Attachment #1
"The orthopedic provider Also Disenrolled Osteopathist" in hands and
Knees with needed "Carpal Tunnel syndrome Surgery in Both Hands"
which is delayed, Due To also procedures of placing patient
in Medical unit being locked up all-Day in H.D. SP until Recovery
Question why should I be Punished for being ill? with All These
Problems noted in my progressive notes Why would I have to
Notify N.O.C.C. of a need for Reclassification. Also ID exhibit "E"
"other Drug for my "Kinner Disease" N.O.C.C. won't allow "Methotrexate
Releady Solut" To be Scheduled as soon as
possible. To SEE: DR, Medical Provider, PER
Response (8-9-19) Reclassify me. Per A.D.A
Perform Lite Only work, or Be Given a job of light Duty
Restore all lost work Days Towards
Expiation two or Manditory Date of Sentence
Since Oct 13 2013 until Present Date

Original: Attached to Grievance
Pink: Inmate's Copy

DOC-3097 (01/02)

Claim #3 #6



**State of Nevada
Department of Corrections**

INMATE GRIEVANCE REPORT

ISSUE ID# 20063084171

ISSUE DATE: 06/06/2019

ANDERSON, ANTHONY KENNETH		1082699	RTRN_L1	BGUTIERREZ	
1	09/19/2019	5	Denied	SCOOK	INACTIVE
Denied. I reviewed your Medical records together with your grievance , It was clearly stated on the Informal grievance [level] that it is up to the Provider if you are capable or fit to be back to work, unfortunately Medical cannot control your work credits since our concern is to have your medical issues address. Classification is always based on medical history and current status , Our Providers are experienced , skilled and trained related to their high education that will always focus on your medical issues and never your work credits. Pls. address your work credit to a different dept.					

GRIEVANCE RESPONDER

9/20/19

Report Name: NVRIGR

Reference Name: NOTIS-RPT-OR-0217.4

Run Date: SEP-19-19 08:29 AM

X Anthony K. Chacon

[Redacted]

[Redacted]

Claim #3 #6



**State of Nevada
Department of Corrections**

INMATE GRIEVANCE REPORT

ISSUE ID# 20063084171

ISSUE DATE: 06/06/2019

ANDERSON, ANTHONY KENNETH		1082999	RTRN_INF	SLCLARK	
IF	08/02/2019	5	Denied	SCOOK	INACTIVE
Denied					
Providers determine whether or not you can return to work. You have seen several during your visits to medical. Your request for reclassification so that you can get work credits / stat time its outside of medicals scope. Reclassification is a requested visit and inmates with medical problems will be seen before reclass. You will be scheduled to see the Dr.					

GRIEVANCE RESPONDER

Report Name: NVRIGR

Reference Name: NOTIS-

Run Date: AUG-02-19 0

Page 5 of 11

Claim #3 #6



FILED

JUN 27 2019

CLERK OF COURT

PROOF OF SERVICE

Court Date:	File No. 0016588
Court:	DISTRICT COURT CLARK COUNTY Case No. A19793566C
Initiator:	ANTHONY ANDERSON #1082999 Other: DZURENDA, JAMES
Address:	SOUTH DESERT CORRECTIONAL CENTER P.O. BOX 208 INDIAN SPRINGS, NV 89070 Address: 5500 E SNYDER AVE CARSON CITY, NV 89701
Plaintiff:	ANDERSON, ANTHONY #1082999 Defendant: STATE OF NEVADA IN EX REL NEVADA, DEPT
Address:	Address: , 0

1. Documents Served:

SUMMONS & COMPLAINT

2. Service Attempts:

Date	Time	Address:	Served
6/14/19	15:00	5500 E SNYDER AVE	<input checked="" type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	
		Address:	<input type="checkbox"/>
		Notes:	

3. Party Served: NANCY SANDERS Title: AAII4. I served the party named in Item 3: TO AUTHORIZED INDIVIDUAL

5. Remarks:

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

RECEIVED
JUN 27 2019

CLERK OF THE COURT

Jacob Dzyak
JACOB DZYAK 9685
Carson City Sheriff's Office
911 East Muster Street
Carson City, NV 89701
Phone: 775-887-2500

6/14/19
Date

A-18-795568-C
PSER
Special Service
4645810



Claim #3 #7



FILED

JUN 27 2019

PROOF OF SERVICE

John H. B. Smith
CLERK OF COURT

Court Date:		File No. 0016588
Court:	DISTRICT COURT CLARK COUNTY	Case No. A19795366C
Initiator:	ANTHONY ANDERSON #1082999	Other: NEVADA DEPT OF CORRECTIONS
Address:	SOUTH DESERT CORRECTIONAL CENTER P.O. BOX 208 INDIAN SPRINGS, NV 89070	Address: 5500 B SNYDER AVE CARSON CITY, NV 89701
Plaintiff:	ANDERSON, ANTHONY #1082999	Defendant: STATE OF NEVADA IN EX REL NEVADA. DEPT
Address:	, 0	Address: , 0

I. Documents Served:
SUMMONS & COMPLAINT

2. Service Attempts:		
Date	Time	Served
6/14/19	15:00	<input checked="" type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

3. **Party Served:** NANCY SANDERS **Title:** AAA

4. I served the party named in Item 3: **TO AUTHORIZED INDIVIDUAL**.

5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.
7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

Robert Dzyak 6/14/19
ROB DZYAK 9685 Date
Carson City Sheriff's Office
911 East Musser Street A-18-7888-C
Carson City, NV 89701 PSER
Phone: 775-887-2500 Proof of Service
4846812

Claim #3 #7

卷之八

UN 27 2018

SHERIFF'S OFFICE

FILED

JUN 27 2019

CLERK OF COURT

PROOF OF SERVICE

Court Date:	File No. 0016388
Court:	DISTRICT COURT CLARK COUNTY Case No. A19795566C
Initiator:	ANTHONY ANDERSON #1082999 Other: ARANAS, ROMEO
Address:	SOUTH DESERT CORRECTIONAL CENTER P.O. BOX 208 INDIAN SPRINGS, NV 89070 Address: 5500 E SNYDER AVE CARSON CITY, NV 89701
Plaintiff:	ANDERSON, ANTHONY #1082999 Defendant: STATE OF NEVADA IN EX REL NEVADA. DEPT
Address:	Address: , 0

1. Documents Served:

SUMMONS & COMPLAINT

2. Service Attempts:

Date	Time	Address:	Served
6/14/19	15:00	5500 E SNYDER AVE	<input type="checkbox"/>
		Notes: DID NOT ACCEPT, FORMER EMPLOYER	<input type="checkbox"/>
		Address:	<input type="checkbox"/>
		Notes:	<input type="checkbox"/>
		Address:	<input type="checkbox"/>
		Notes:	<input type="checkbox"/>

3. Party Served: _____ Title: _____

4. I served the party named in Item 3: MOVED - RETURNED NOT SERVED5. Remarks: _____

6. At the time of service I was at least 18 years of age and not a party to this action.

7. I am an authorized individual with the Carson City Sheriff's Office and certify that the foregoing is true and correct.

Jakob Dzyak

6/14/19

Date

JAKOB DZYAK #689
Carson City Sheriff's Office
911 East Musser Street
Carson City, NV 89701
Phone: 775-887-2500

A-19-785568-C
PSER
Proof of Service
4845814



Attachment
Claim #3 #7

RECEIVED
JUN 27 2019
CLERK OF THE COURT

BEGIN CLAIM
4

CLAIM 4

The following civil rights have been violated: 8th US Amend Rule Two unusual punishment caused by imminent danger of life and limb by two through Deliberate Covid-19 exposure

Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

During the month of December in the year of 2020, Southern Desert C.I.N, was placed on lockdown due to the wide spread dangers caused by Covid-19 Pandemic the Novel Coronavirus (NAYCO SoRS-Cov-2) Plaintiff ANDERSON was housed in re-entry program unit 11-B. which was "FREE FROM Covid Infection/Infected Inmates" There were only 40 to 50 inmates housed in unit 11 for over 9 months or longer which unit 11 has been a programs unit since my stay at S.D.C.C. starting in the summer of 2012. S.D.C.C. Contaminated units were as follows unit #3 unit #4 unit #5 unit #6 unit #12 incoming inmates from H.D.S.P. two N.D.O.C work camps then in late Dec 2020 on or about Dec 24th 2020 N.D.O.C. S.D.C.C. Administration Dept order Contaminated with Cov-19. inmates transferred

Claim #4

INTO A COVID-19 FREE ZONE 11-B

This was done UNDER The Color of law with
a Deliberate INdifference These INmate where
COVID-19 positive from Contaminated units #5#6
two Camp The first 20 Twenty INmates Contaminated
unit 11-B Their is also was No Social Distancing
we live in Close Very Close living arrangements
less than 3 feet apart. we share showers, restrooms
two social area's - Now The Nun Contaminated
INmate's such as "ANDERSON" #1082999, are EXPOSED
with a Deliberate INdifference here "ANDERSON" Already
Having an Thyroid System DISORDER was Stricken
with COVID-19. Virus Testing positive 12-29-2020
causing "ANDERSON" unno pain and SUFFERING more
IN-Dept Head-ache cold and hot sweats
short-ness of breath No Taste COVID made
it almost impossible to inhale air with N.D.O.C.
Having knowledge "ANDERSON" is Already using
The Drug Predison - HERE There's No way
AROUND The Cruel and UNUSAL Punishment
Claim Due TO Pending Case# A-20-817789-W
INFORING N.D.O.C. OF The DANGERS
"ANDERSON" FACES are Ignorant Filed By The
FEDERAL GOVERNMENT ON ANDERSON first CON OR
About July 9th 2020 -(6) Six Months Before
"ANDERSON" was Stricken with COVID-19

Claim #4

Also BEFORE The u.s. Dist Court in Support
OF Deliberate INDIFFERENCE is DR Karen GEDNEY'S
Declaration CONCERNING ANDERSON SICKING
Release, DURING COVID-19. The RECORDS reflect
DR Karen Gedney is The original DR CONCERNING
ANDERSONS . . . Medical CASE

"ANDERSON" states That Due To Create Two unusual
punishment caused By Deliberate INDIFFERENCE To
His Safety AND well Being N.D.O.C placed ANDERSONS life
AND limbs IN Jeopardy allowing COVID-19 INTO
The Building UNIT 11-B effecting The Distance He
could walk Having To Stop For AIR EVERY 2 to 3
Feet No Sleep For about a week AND $\frac{1}{2}$
"ANDERSON" was Then placed in QUARANTINE AND
only Given "two TISSON" (4)SIX Cough Drops AND A
24 Pac OF ASPIRIN To Fight COVID-19. Then
Contained in a CELL For 18 Days only out
For $\frac{1}{2}$ Hour To Shower OR USE The phone
This ando pain was caused By NEGLIGENCE
with a Deliberate INDIFFERENCE stating IT Has
Not Happened yet . it probelly won't, NOT
HAVING ANY COVID Protocol in place AND failing
To follow Big Brother The Federal GOVERNMENT
Whoay released INMATE 3 years TO
E.P.D whoay were 5 years Violence FREE

Clay #4

WHEN ANDERSON FINALLY HAD CONTACT WITH CCSII KIMBERLY MCCOY ASKED HER
WHY DO THEY PUT THESE INFECTED PEOPLE IN
THE UNIT WITHOUT CONTAMINATION ANDERSON
WAS TOLD "ANDERSON I UNDERSTAND BUT
I HAVE TO DO WHAT I AM TOLD THERE ARE 80
OPEN BED IN UNIT 11-B WE NEED THE SPACE
THESE BEDS MUST BE FILLED AT ALL COST
WE HAVE KNOWLEDGE AND ARE AWARE OF YOUR CONCERN
THAT THIS IS THE ONLY UNIT THATS COVID FREE
BUT WE HAVE NO WHERE ELSE TO PUT THEM"

WITH A DELIBERATE INDIFFERENCE TO ANDERSON HEALTH
AND SAFETY ANDERSON WAS EXPOSED TO COVID

WITH N.D.O.C ALREADY HAVING KNOWLEDGE OF ANDERSON'S
UNDERLYING ILLNESS EXPOSED TO COVID 12-29-2020
BY THE ENTIRE EXECUTIVE STAFF OF N.D.O.C.

2:21-CV-00514-APG-EJY
[REDACTED]

1 POINTS AND AUTHORITIES
2

3 I. **Introduction** **NEWLY DISCOVERED**
4

5 Mr. Anderson has filed a ~~Post~~ ~~Action~~ petition arguing the heightened and
6 inexorable danger of death or serious illness from the COVID-19 virus while in prison
7 represents a cruel, unusual, and disproportionate punishment in violation of the
8 State and Federal Constitutions. Mr. Anderson moves to be released ~~on medical conditions~~
9 NRS 178.4871(2). Release pending the ultimate determination on the petition is
10 justified here. The dangers Mr. Anderson faces as a result of being incarcerated
11 during the pandemic is an exceptional circumstance deserving of special treatment
12 in the interests of justice. These dangers are imminent as the Nevada Department of
13 Corrections has reported its first positive tests for inmates at six different facilities,
14 including the one housing Mr. Anderson. Nationally, the rates of infection inside
15 prisons have been skyrocketing. It is only inevitable this will happen in Nevada.
16 There also can be no doubt the issue here presents both a substantial question of law
17 and fact. Further Mr. Anderson has made a clear case on the merits. Mr. Anderson
18 was convicted of a non-serious felony, is within three years of his release date, and
has a verified release plan. Because Mr. Anderson is a great candidate for release
this motion should be granted.

19 II. Legal Analysis
20

21 Under NRS 178.4871(2), a petitioner who has filed a post-conviction petition
22 may be admitted to bail pending appeal. A court may grant such a request if the
petitioner can show:

23 (1) the petition was filed in the proper jurisdiction;
24 (2) the petition presents a substantial question of law or
25 fact and does not appear to be barred procedurally;
26 (3) the petitioner has made out a clear case on the merits;

Front And Back
Copy's

2ND

Newly Discovered

2:21-cv-00514-APG-EJY

Claims in Case # [REDACTED]

N.Y.S. 41.0322 Tort Action

Showing IMMINENT Danger, Fraud, Attempted Stealth Fraud, ACTS of Class of ONE, Bias Pre-judiced ACTS of Deliberate Indifference Medical Medical Practices with-out "Mandated Reclassification UNDER Americans with Disability Act". Thus Violating A/K (658) in full Title I II III [A.D.A] Not operational at SOUTHERN DESERT Correctional Center Troy Oct 13 2013 until Present Day. [S.D.C.C. inagins in Deceptive Practice CONCERNING PROPER MEDICAL NEEDS, with a Deliberate Indifference to Petitioners Life, Limbs and Health To Those. Sigmoid Sutero, "CREATING a "Disproportionate Punishment" EXECUTED TWO INFORCED on a PERSON NOT SENTENCED TO Death NOT SENTENCED TO UNDO PAIN AND SUFFERING NOR a PERSON NOT SENTENCED TO CIRCLE TWO UNUSUAL PUNISHMENT Due To Heightened TWO INEXORABLE DANGER of Death or HOME SERIOUS ILLNESS FROM THE COVID-19 VIRUS while IN Prison Represents, CRUEL AND UNUSUAL Disproportionate, Punishment in Violation of State and Federal Constitutions

2ND Newly Discovered

2:21-cv-00514-APG-EJY

2:21-cv-00514-APG-EJY

A-19-995566-C

1 (4) there are exceptional circumstances deserving of special
2 treatment in the interests of justice.
3

3 *See Bergna v. State*, 120 Nev. 869, 873, 102 P.3d 549, 551-51 (2004) (discussing
4 availability of release while post-conviction petition is pending).

For the reasons discussed below, Mr. Anderson can meet each element of this standard.

A. The pandemic clearly presents an exceptional circumstance

The world is currently grappling with a dangerous pandemic without precedent over the past century. The novel coronavirus represents a serious and existential danger to people who are incarcerated. Prisons are the ideal environment for an infectious disease to spread. Due to the nature of incarceration, the mitigating steps the rest of society can take to minimize spread of the disease are simply unavailable. As a result, the danger of infection to inmates is both heightened and unpreventable. It is simply inescapable that an outbreak will happen in prisons, no matter what mitigation steps prison officials may take. Indeed, such an outbreak may be in its beginning stages right now as the Nevada Department of Corrections has announced its first confirmed cases in six separate facilities. It's especially likely to cause substantial harm or death to people with the same risk factors as Mr. Anderson. Nationally, the number of cases in prisons is increasing exponentially. The virus therefore poses an overwhelming threat to Mr. Anderson, and this threat is an extraordinary circumstance supporting pre-decision release.

1. The novel coronavirus is causing worldwide havoc.

23 The novel coronavirus (named SARS-CoV-2) first caught attention in late
24 December 2019 and has quickly grown into one of the most serious crises to affect the
25 safety and security of the entire world since perhaps World War II. The first outbreak
26 occurred in Wuhan, China; the Chinese government confirmed dozens of cases on
27 December 31. *See* Derrick Bryson Taylor, "A Timeline of the Coronavirus Pandemic,"

2:21-cv-00514-APG-EJY

A-19-795566-C

1 The New York Times (Apr. 7, 2020), *available at* <https://nyti.ms/2wNznJ7> (last visited
2 May 26, 2020) (hereinafter “Timeline”). China reported its first known death from
3 the virus (the illness it causes is called “COVID-19”) on January 11. *Id.* Within the
4 next couple weeks, the virus spread to other parts of East and Southeast Asia, and
5 then on from there, including to Washington State. *Id.* The Chinese government
6 locked down Wuhan on January 23; the World Health Organization declared a global
7 health emergency soon after; and the Trump administration responded by barring
8 certain travel from China. *Id.*

9 Concerns continued to mount from there. Within a month after China reported
10 its first death, the number of confirmed cases had skyrocketed to 44,653. *See*
11 Timeline, *supra*. Substantial outbreaks developed in mid-February in France, South
12 Korea, and Iran. *Id.* The Lombardy region in Italy became a major cluster, and the
13 local government closed schools and events in late February. *Id.* By the end of
14 February, the United States recorded its first domestic death from COVID-19. *Id.*
15 The Trump administration banned travel from Europe and declared a national
16 emergency; the European Union and its associated countries imposed similar steps
17 over the coming weeks; and the world is now scrambling to contain the impact. *Id.*

18 The novel coronavirus causes initial symptoms somewhat like seasonal
19 influenza’s, but with a higher risk of negative outcomes. Like the flu, people who
20 contract COVID-19 often suffer fever, cough, and/or shortness of breath. *See*
21 “Symptoms,” U.S. Centers for Disease Control and Prevention, *available at*
22 <https://bit.ly/33U4pey> (last visited May 26, 2020). But unlike the flu, serious illness
23 can develop in about 16 percent of all cases. *See* “Situation Summary,” U.S. Centers
24 for Disease Control and Prevention, *available at* <https://bit.ly/2X60sIJ> (last visited
25 May 26, 2020). In severe cases, the disease can cause pneumonia, which is a
26 dangerous lung infection. *See* James Gallagher, “Coronavirus: What it does to the
27 body,” BBC News (Mar. 14, 2020), *available at* <https://bbc.in/2UL8wFG> (last visited

221-LV-00514-APG-EJY

A-19-795566-C

1 May 26, 2020). As the pneumonia worsens, the condition can develop into acute
 2 respiratory distress syndrome ("ARDS"), which is life-threatening and requires
 3 ventilators to manage. *Id.* The virus can also cause septic shock and serious damage
 4 to other organs. *Id.*

5 The disease is a public health crisis on an unparalleled scale for many reasons,
 6 including because it's so much more deadly and virulent than seasonal flu. Seasonal
 7 flu has an average death rate of 0.1 percent; estimates for the novel coronavirus's
 8 death rate range much higher, from between 1 percent and 3.4 percent. *See* Denise
 9 Grady, "How Does the Coronavirus Compare With the Flu?", The New York Times
 10 (Mar. 27, 2020), *available at* <https://nyti.ms/2WRsRvz> (last visited May 26, 2020).
 11 Meanwhile, someone who contracts seasonal flu is likely to infect only another 1.3
 12 people; someone who contracts coronavirus is likely to infect a much more significant
 13 total of 2.2 people. *Id.* Thus, the novel coronavirus is more serious than the typical
 14 flu because it's more likely to cause death and more likely to spread to more people.
 15 Notably, the incubation period for the virus can be up to two weeks—that is, someone
 16 can be infected for up to two weeks without noticing any symptoms—and some people
 17 can be asymptomatic for the entire duration of the infection. *See*, Graham Lawton,
 18 "You could be spreading the coronavirus without realizing you've got it," New
 19 Scientist (Mar. 24, 2020), *available at* <https://bit.ly/2QVeToy> (last visited May 26,
 20 2020). People who haven't yet suffered symptoms or who won't end up suffering any
 21 symptoms might still be contagious and can still spread the virus without realizing
 22 it. *Id.*

23 Given these threats, governments across the world took unprecedent steps to
 24 combat the virus. Here in Nevada, Governor Sisolak ordered the closure of non-
 25 essential businesses (including casinos) for nearly two months to avoid the possibility
 26 of community spread. *See* Megan Messerly et al., "Sisolak orders statewide closure,"
 27 Nevada Independent (Mar. 17, 2020), *available at* <https://bit.ly/3dgeTJt> (last visited

2:21-cv-00514-APG-EJY

A-19-795566-C

1 May 26, 2020); Riley Snyder, "Sisolak extends COVID-19 shutdown until end of April,
2 urges residents to shelter-in-place," Nevada Independent (Apr. 1, 2020), *available at*
3 <https://bit.ly/2xWmOeS> (last visited May 26, 2020). Almost every state government
4 instituted similar lockdowns. *See* Sarah Mervosh et al, "See Which States and Cities
5 Have Told Residents to Stay at Home," The New York Times (Apr. 20, 2020),
6 *available at* <https://nyti.ms/2XheRvn> (last visited May 26, 2020).

7 Courts realized the seriousness of the situation, too. For example, this Court
8 and the other courts in this state took extraordinary measures to limit the spread of
9 the disease in the courthouse. *See, e.g., In re COVID-19 Emergency Cancellation of*
10 *Oral Argument and Public Hearing* (Nev. Sup. Ct.), *available at*
11 <https://bit.ly/3bbW744> (last visited May 26, 2020); Administrative Orders 2020-01
12 through 2020-13 (Nev. 8th Jud. Dist. Ct.), *available at* <https://bit.ly/397CPeT> (last
13 visited May 26, 2020). The U.S. Court of Appeals for the Ninth Circuit canceled, or
14 heard remotely, oral arguments on a case-by-case basis through August. *See* COVID-
15 19 Notice (9th Cir.), *available at* <https://bit.ly/2woI5NJ> (last visited Apr. 20, 2020).
16 The U.S. Supreme Court has switched over to telephonic arguments. Press Release
17 (U.S. Sup. Ct.) (Apr. 13, 2020), *available at* <https://bit.ly/3czY237> (last visited Apr. 20,
18 2020).

19 Despite the mitigating measures, the exponential growth of the virus around
20 the world and the ensuing death rates, in particular in the United States, have
21 confirmed both the high rates of transmission, the high death rates, and the serious
22 health risks the virus poses. As of June 25, 2020, the United States has the highest
23 number of confirmed cases of COVID-19 in the world at over 2.4 million and also the
24 highest number of deaths from the virus at over 120,000. The number of deaths has
25 kept pace with the federal government's grim projections of between 100,000 and
26 240,000 American deaths even with appropriate social distancing measures. Cara
27 Buckley et al, "White House Projects Grim Toll from Coronavirus," The New York

2:21-CV-00514-APG - EJY

#-19-795566-C

1 Times (Mar. 31, 2020), *available at* <https://nyti.ms/2xIdNWG> (last visited May 26,
 2 2020).

3 Although the initial spike may have passed, the fear has always been that
 4 there would potentially be a new upturn in infections as the country reopens. *See*
 5 Dale Smith, "A Second Wave of Coronavirus: When It Could Come, How Long It Could
 6 Last and More," *cnet.com* (May 31, 2020), *available at* <https://cnet.co/305T7nG> (last
 7 visited June 3, 2020). That is now a reality. The United States saw one of its largest
 8 number of confirmed daily cases on June 23, 2020. *See* "The U.S. just recorded its
 9 third-highest total of new cases, as hospitalizations rise in some states," *The New*
 10 *York Times* (June 24, 2020), *available at* <https://nyti.ms/2Nsobqc> (last visited June
 11 24, 2020). This increase is being seen in Nevada. Sarah Almukhtar et al, "Nevada
 12 Coronavirus Map and Case Count," *The New York Times* (June 24, 2020), *available*
 13 *at* <https://nyti.ms/2ZBroLk> (last visited June 24, 2020). And the continuing concern
 14 is that it will likely get even worse as the state's economy is dependent upon tourism.
 15 As people travel here from all over the country, especially neighboring hot spots like
 16 Arizona, California, and Utah, the risk of spread in Nevada could drastically increase.

17 In sum, the pandemic is an unprecedented crisis that has required
 18 unprecedented responses from all our branches of government.

19 2. The prison population is especially likely to get infected.

20 While the entire country is at risk, inmates in jails and prisons are particularly
 21 vulnerable to contracting the disease. The very nature of incarceration as communal
 22 space makes prisons "festering petri dishes" for coronavirus. *See* Jake Harper,
 23 "Crowded Prisons are Festering 'Petri Dishes' for Coronavirus, Observers Warn,"
 24 *NPR* (May 01, 2020), *available at* <https://bit.ly/2yzQ8sc> (last visited May 26, 2020);
 25 *see also* Ernesto Londono et al, "As Coronavirus Strikes Prisons, Hundreds of
 26 Thousands Are Released," *The New York Times* (April 26, 2020) (stating prisons
 27

2:21-cv-00514 APG-EJY

A-19-195566-C

1 across the world have become powerful breeding grounds for the coronavirus),
 2 *available* at <https://nyti.ms/2XtsLJ9> (last visited May 26, 2020).

3 The mitigation measures society has used to limit the spread simply are
 4 inapplicable to the prison setting. Among other things, people in the community can
 5 combat spread by staying isolated at home whenever possible; practicing social
 6 distancing (i.e., staying six feet apart from others) and wearing gloves or masks in
 7 public; sanitizing their surroundings; and washing their hands or using hand
 8 sanitizer frequently. Inmates don't have the same luxuries; they can't stay in their
 9 own homes, they can't avoid interacting with officers or other inmates at their
 10 pleasure, they can't sanitize their living spaces, they can't wash their hands at will.
 11 *See, e.g.*, Timothy Williams et al., "Jails Are Petri Dishes": Inmates Freed as the
 12 Virus Spreads Behind Bars," The New York Times (Mar. 30, 2020), *available at*
 13 <https://nyti.ms/2UrZ8b0> (last visited Apr. 20, 2020). Inmates unavoidably live in
 14 cramped, unsanitary conditions. The main weapons our society has to combat the
 15 virus, social distancing and sanitizing, is impossible to implement in prison.

16 Further, there is a great deal of stress on inmates in prison. There is poor
 17 nutrition and a lack of quality sleep. Their access to medical facilities is inadequate.
 18 Prison medical capability is insufficient to address an outbreak and it takes a vast
 19 amount of resources to send prisoners out to be treated. Inmates are medically 10
 20 years older than someone outside prison. Inmates disproportionately suffer from
 21 chronic illness and other health conditions that exacerbate the impact of COVID-19.
 22 German Lopez, "Why U.S. Jails and Prisons Became Coronavirus Epicenters,"
 23 Vox.com (April 22, 2020), *available at* <https://bit.ly/2ZB1DgI> (last visited May 26,
 24 2020); *see also* COVID-19 in Correctional and Detention Facilities – United States,
 25 February – April 2020, Centers for Disease Control and Prevention (May 6, 2020)
 26 (listing difficulties of controlling spread in prisons), *available at*
 27

2:21-cv-00514-APG-EJY

#19-195566-C

1 <https://bit.ly/3d14IYN> (last visited May 25, 2020). These factors significantly
 2 increase the danger of more serious complications from the virus.

3 Thus, as the New York Times has reported, "Defense lawyers, elected officials,
 4 health experts and even some prosecutors have warned that efforts to release inmates
 5 and to contain the spread of the disease are moving too slowly in the face of [the]
 6 contagion." *Id.*

7 In a declaration attached to the petition, Dr. Karen Gedney, who was a senior
 8 physician with the Nevada Department of Corrections, echoes these concerns. *See*
 9 Exhibit 1, ¶ 2. She states, "Prisons are more susceptible to the spread of the highly
 10 contagious novel COVID-19. Due to the nature of incarceration, the steps the rest of
 11 society can take to slow the spread of the disease are simply not possible in prisons."
 12 *Id.*, ¶ 8. She explains, most importantly, social distancing is not possible. *Id.*, ¶ 9.
 13 She adds hand washing cannot be done at the level necessary to adequately fight the
 14 spread; hand sanitizing will likely be limited; and sanitation will be inadequate. *Id.*,
 15 ¶¶ 10-11. The danger is also higher for prisoners due to the physical condition of the
 16 inmates. She explains, "COVID-19 affects older populations most severely.
 17 Incarcerated men and women are 10 years older than their chronological age because
 18 of their lifestyle choices. The inmate population overall has more heart and lung
 19 problems," which is another population vulnerable to the disease. *Id.*, ¶ 12. She adds,
 20 "Stress, poor nutrition, and lack of quality sleep are common in prison and they all
 21 affect the inmates' ability to fight the virus." *Id.*, ¶ 13.

22 Dr. Gedney states, even more troubling, "NDOC does not have the resources
 23 necessary if there is an outbreak." *Id.*, ¶ 14. There is a limited number of medical
 24 beds in each prison. *Id.* There is only one regional medical facility and it only has 60
 25 beds. *Id.* No institution has the ability to take care of an inmate who needs a
 26 ventilator or ICU care." *Id.* The facilities also would not have the resources to assist
 27

2:21-cv-00514-APG-EJY
d-19-195566-C

1 multiple inmates who would need outside medical care as an outside trip to a hospital
2 requires two custody officers in attendance. *Id.*

3 Dr. Gedney concludes, “The only real way to mitigate the spread of the disease
4 within the prison to inmates and staff alike is to decrease the number of incarcerated
5 individuals.” *Id.*, ¶ 16.

6 Beyond Dr. Gedney, public health experts have voiced substantial concerns
7 about the prison population’s susceptibility to infection. For example, in a letter to
8 President Trump regarding federal inmates, dozens of health experts explain prisons
9 “contain high concentrations of people in close proximity and are breeding grounds
10 for the uncontrolled transmission of SARS-CoV-2.” Letter from Sandro Galea, MD,
11 DrPH, et al., to President Trump (Mar. 27, 2020), *available at* <https://bit.ly/39uc7x5>
12 (last visited Apr. 20, 2020). Thus, prisons “present significant health risks to the
13 people housed in them,” as well as prison staff. *Id.* Prisoners are often “housed cheek-
14 by-jowl, in tightly-packed and poorly-ventilated dormitories; they share toilets,
15 showers, and sinks; they wash their bedsheets and clothes infrequently; and often
16 lack access to basic personal hygiene items.” *Id.* The institutions “lack the ability to
17 separate sick people from well people and to quarantine those who have been
18 exposed.” *Id.* Thus, the experts urge the President to help combat the pandemic by
19 reducing the total federal prison population. *See also, e.g.*, “Preparedness, Prevention
20 and Control of COVID-19 in Prisons and Other Places of Detention: Interim
21 Guidance,” World Health Organization (Mar. 20, 2020), *available at*
22 <https://bit.ly/3bAqIsf> (last visited Apr. 20, 2020).

23 Given these concerns, litigation has ensued across the country about the
24 possible effects of the pandemic on the prison population; in connection with that
25 litigation, doctors have repeatedly stressed the likelihood that the disease will spread
26 rapidly throughout prison facilities. *See, e.g.*, *Valentine et al v. Collier et al*, Case
27 No. 4:20-cv-01115 (S.D. Tex.), ECF Nos. 12 through 14; *United States v. Toro*, Case

2:21-cv-00514-APG-EJY
A-19-195566-C

1 No. 1:19-cr-00256-NONE-SKO-8 (E.D. Cal.), ECF No. 145 at 29-65 (collecting various
 2 declarations). Similarly, the American Civil Liberties Union of Nevada has written
 3 a letter to state government officials discussing the problem; as they explain, "People
 4 in prisons and jails are highly susceptible to outbreaks of contagious illness" because
 5 “[t]hey are housed in close quarters and are often in poor health." Letter from ACLU
 6 of Nevada to Steve Sisolak et al. (Mar. 26, 2020), *available at* <https://bit.ly/2WWW886>
 7 (last visited Apr. 20, 2020). Some of that litigation has already been successful,
 8 including here in Nevada. *See, e.g.*, Ricardo Torres-Cortez, "Henderson immigration
 9 detainee, at high risk of coronavirus, is released," Las Vegas Sun (Apr. 2, 2020),
 10 *available at* <https://bit.ly/3dT6yvY> (last visited Apr. 20, 2020); *Rose v. Baker et al.*,
 11 Case No. 17-15009 (9th Cir.), ECF No. 62 (order granting release pending the State's
 12 petition for a writ of certiorari to the U.S. Supreme Court).

13 Courts across the country resoundingly agree: inmates face a heightened risk
 14 of contracting the virus compared with the general public. *See, e.g., United States v.*
 15 *Raiia*, 954 F.3d 594, 596 (3d Cir. 2020) (stating the virus "poses unique risks in
 16 population-dense prison facilities").¹

18 ¹ *See also, e.g., Gomes v. U.S. Dep't of Homeland Sec., Acting Sec'y*, Case No.
 19 20-CV-453-LM, 2020 WL 2514541, at *4 (D.N.H. May 14, 2020) (stating "[p]risons
 20 and detention centers are particularly susceptible to the introduction and spread of
 21 the virus," and collecting cases); *Mays v. Dart*, Case No. 20 C 2134, 2020 WL 1987007,
 22 at *28 (N.D. Ill. Apr. 27, 2020) ("[P]laintiffs are reasonably likely to succeed on their
 23 contention that group housing or double celling of detained persons is objectively
 24 unreasonable given the immediate and significant risk to their life and health from
 25 transmission of coronavirus."); *Basank v. Decker*, Case No. 20 CIV. 2518 (AT), 2020
 26 WL 1953847, at *5 (S.D.N.Y. Apr. 23, 2020) (stating "[t]he nature of detention
 27 facilities makes exposure and spread of the virus particularly harmful," and collecting
 cases); *Cristian A.R. v. Decker*, Case No. CV 20-3600, 2020 WL 2092616, at *2 (D.N.J.
 Apr. 12, 2020) ("[A]voiding exposure to COVID-19 is impossible for most detainees
 and inmates."); *Coreas v. Bounds*, Case No. CV TDC-20-0780, 2020 WL 1663133, at
 *2 (D. Md. Apr. 3, 2020) ("Prisons, jails, and detention centers are especially
 vulnerable to outbreaks of COVID-19."), *preliminary injunction granted*, 2020 WL
 2292747 (D. Md. May 7, 2020); *Jones v. Wolf*, Case No. 20-CV-361, 2020 WL 1643857,
 at *8 (W.D.N.Y. Apr. 2, 2020) ("The petitioners also have shown that they face a
 heightened risk of contracting COVID-19."); *United States v. Rodriguez*, Case No.

2:21-CV-00514-APG-EJY

#-19-195566-C

1 The novel coronavirus has infiltrated the prison population, and outbreaks are
 2 likely to get much worse over time. The Federal Bureau of Prisons reported the first
 3 death of an inmate due to COVID-19 back in March. *See* Walter Pavlo, "COVID-19
 4 Takes Life of Federal Inmate in Louisiana," *Forbes* (Mar. 29, 2020), *available at*
 5 <https://bit.ly/2yDXwlQ> (last visited Apr. 20, 2020). Hundreds of inmates and jail staff
 6 members in New York City have contracted the disease. *See* David Brand, "At least
 7 167 NYC inmates, 114 jail staffers now have COVID-19," *Queens Daily Eagle* (Mar.
 8 30, 2020), *available at* <https://bit.ly/39PeVoE> (last visited Apr. 20, 2020). Overall, the
 9 Marshall Project reports that, as of June 18, 2020, the number of people in prison
 10 who have tested positive stands at 46,249 and there have been 521 inmate deaths.
 11 "A State-by-State Look at Coronavirus in Prisons," The Marshall Project (June 18,
 12 2020), *available at* <https://bit.ly/3d1aidJ> (last visited June 24, 2020).

13 Some prison systems—federal and state—have already been releasing inmates
 14 early to mitigate the threat. *See, e.g.*, Paige St. John, "California to release 3,500
 15 inmates early as coronavirus spreads inside prisons," *Los Angeles Times* (Mar. 31,
 16 2020), *available at* <https://lat.ms/2R6qpNX> (last visited Apr. 20, 2020). Concerns
 17 abound in other jurisdictions. *See, e.g.*, Douglas Berman, "Reviewing more headlines
 18 from more states about coronavirus cases among prisoners and prison staff,"
 19 *Sentencing Law and Policy* (Apr. 6, 2020), *available at* <https://bit.ly/34eCciJ> (last
 20 visited Apr. 20, 2020).

21 Prisons in Nevada have taken some steps to mitigate the danger, but the
 22 nature of incarceration makes it practically impossible for official to stop the spread.
 23

24 2:03-CR-00271-AB-1, 2020 WL 1627331, at *8 (E.D. Pa. Apr. 1, 2020) ("Prisons are
 25 ill-equipped to prevent the spread of COVID-19."); *United States v. Barkman*, Case
 26 No. 3:19-CR-0052-RCJ-WGC, 2020 WL 1811343, at *2 (D. Nev. Mar. 17, 2020) ("While
 27 measures are being taken by facilities all over the world, no facility is prepared.");
Foster v. Comm'r of Correction, 484 Mass. 698, ___ N.E.3d ___, at *13 (2020) (stating
 "there can be no real dispute that the increased risk of contracting COVID-19 in
 prisons, where physical distancing may be infeasible to maintain, has been
 recognized by the CDC and by courts across the country," and collecting cases).

2:21-cv-00514-APG-eJY
A-101-195566-C

1 While prisons have modified their policies somewhat—for example, by eliminating
 2 visits (see, e.g., Ricardo Torres-Cortez, “Coronavirus precaution: Visitation at
 3 Nevada prison facilities halted,” Las Vegas Sun (Mar. 7, 2020), *available at*
 4 <https://bit.ly/2QTA8ak> (last visited Apr. 8, 2020); *see also Rose v. Baker et al*, Case
 5 No. 17-15009 (9th Cir.), ECF No. 60 (attaching memorandum from Charles Daniels,
 6 director of the Nevada Department of Corrections)—it’s only a matter of time before
 7 an outbreak occurs. Even assuming prisons follow mitigation protocols to the letter
 8 (which is likely a generous assumption), there’s no way the protocols will reduce the
 9 risk enough to make the pandemic unextraordinary and a grave and heightened
 10 threat to inmates. *See, e.g., Prieto Refunjol v. Adducci*, Case No. 2:20-CV-2099, 2020
 11 WL 2487119, at *18 (S.D. Ohio May 14, 2020) (“While the virus’s infectious spread
 12 may be mitigated by the prophylactic measures that [the jail] has taken, Respondents’
 13 evidence does not engender confidence that [the jail] remains safe for high-risk
 14 detainees.”), *reconsideration denied*, 2020 WL 3026236 (S.D. Ohio June 5, 2020).²

15 Indeed, the initial outbreak may be beginning as the Nevada Department of
 16 Corrections reported its first positive test result for an inmate at High Desert State
 17 Prison on May 22. Jeff Mosier, “Nevada Prisons to Start Widespread Coronavirus
 18 Testing,” Las Vegas Review-Journal (May 26, 2020) (“Prison Testing”), *available at*
 19

20 ² *See also, e.g., Ruderman v. Kolitwenzew*, Case No. 20-CV-2082, 2020 WL
 21 2449758, at *12 (C.D. Ill. May 12, 2020) (“However, as other courts have found, the
 22 CDC’s guidelines, while important, are not dispositive standing alone.”); *Bent v. Barr*,
 23 Case No. 19-CV-06128-DMR, 2020 WL 1812850, at *6 (N.D. Cal. Apr. 9, 2020)
 24 (“[E]ven assuming that Respondents accurately describe [the detention center’s]
 25 current practices, these practices are inadequate to ensure the ‘safety and general
 26 well-being’ of [the] detainees during the COVID-19 pandemic.”); *Rafael L.O. v.
 27 Tsoukaris*, Case No. CV 20-3481 (JMV), 2020 WL 1808843, at *8 (D.N.J. Apr. 9, 2020)
 28 (“[T]here are certain realities that neither [the prison] or ICE can overcome.”); *Malam
 29 v. Adducci*, Case No. 20-10829, 2020 WL 1672662, at *8 (E.D. Mich. Apr. 5, 2020), *as
 30 amended* (Apr. 6, 2020) (“Though the CDC has recommended public health guidance
 31 for detention facilities, and though the [prison] has indeed implemented measures
 32 designed to prevent spread of the disease, these measures are inadequate to
 33 sufficiently decrease the substantial likelihood that Petitioner will contract COVID-
 34 19.”).

2:21-cv-00514-APG-EJY
A-19-795566-C

1 <https://bit.ly/2M0K3Im> (last visited May 26, 2020). The number for all inmates was
 2 up to 18 on July 16, 2020. "Facilities with Reported COVID_19 Cases," Nevada Dep't
 3 of Health and Human Services, *available at* <https://bit.ly/3cBC6o2> (last visited July
 4 16, 2020) (sort by facility type "Correctional"). The number for High Desert has now
 5 reached 12. There have also been positive results for inmates at Ely State Prison,
 6 Northern Nevada Correctional Center, Southern Desert Correctional Center,
 7 Tonopah Conservation Camp, and Lovelock Correctional Center. *Id.* This is now in
 8 addition to 49 prison staff members at various facilities testing positive. *Id.* There
 9 may be other staff members or inmates who have the disease but haven't received a
 10 positive result yet, and thus a serious outbreak might be right around the corner. In
 11 fact, the number of infected is probably significantly higher as the Department of
 12 Corrections has acknowledged that, until recently, it has only tested a small number
 13 of inmates. Katelyn Newberg, "Low number of coronavirus tests in Nevada prisons
 14 questioned," Las Vegas Review-Journal (May 14, 2020), *available at*
 15 <https://bit.ly/2LZueBQ> (last visited May 26, 2020).³

16 This is critical here. Even if there isn't an outbreak yet, and even if the prison
 17 is trying to stop infected or symptomatic staff members from entering the facility, a
 18 staff member could still have the disease, be asymptomatic (or pre-symptomatic), but
 19 still be contagious; if that person enters the prison, they may unwittingly spread the
 20 virus. Due to the nature of incarceration, that is a near certainty.

21 In fact, the current conditions around the country show how quickly the
 22 situation is deteriorating within the prison population. Timothy Williams, Libby
 23 Seline and Rebecca Griesbach, "Coronavirus Cases Rise Sharply in Prisons Even as
 24 They Plateau Nationwide," N.Y. Times (June 16, 2020), *available at*
 25 _____

26 ³ On May 26, 2020, the Department of Corrections announced it would begin
 27 widespread testing in prisons. *See* Prison Testing. This will hopefully provide insight
 into the extent of any possible outbreak in the Nevada prison system. As of June 25,
 2020, there has been no public statement about the results of any further testing.

2:21-cv-00514-APG-EJY
A-19-195566-C

1 <https://nyti.ms/2BgRr0g> (last viewed June 19, 2020). The cases of coronavirus in
2 prisons have soared in recent weeks. *Id.* The number of prison inmates with
3 confirmed cases has doubled during the past month and the number of deaths has
4 also risen by 73 percent since mid-May. *Id.* “Public officials have long warned that
5 the nation’s correctional facilities would most likely become vectors in the pandemic
6 because they are often overcrowded, unsanitary places where social distancing is
7 impractical, bathrooms and day rooms are shared by hundreds of inmates, and access
8 to cleaning supplies is tightly controlled.” *Id.*

9 Thus, given the exponential growth of infections throughout the world,
10 throughout the country, throughout Nevada, and now throughout the prison
11 population—it’s highly likely Nevada prisons will begin suffering major outbreaks in
12 the all-too-near future. It is clear the pandemic and its risk to Mr. Anderson presents
13 a special circumstance.

14 This is particularly true for Mr. Anderson. Mr. Anderson was diagnosed with
15 Kimura Disease (KD), an immune system disorder, in 2013. SDCC has treated Mr.
16 Anderson’s KD with prednisone for the past three years. This treatment puts him at
17 a higher risk if he is infected with COVID-19. *See* “Individuals taking class of steroid
18 medications at high risk for COVID-19,” Endocrine Society, *available at*
19 <https://www.endocrine.org/news-and-advocacy/news-room/2020/individuals-taking-class-of-steroid-medications-at-high-risk-for-covid> (last visited July 7, 2020).
20 Individuals taking corticosteroids “may be more susceptible to COVID-19 as a result
21 of the medication suppressing the immune system. They may also experience more
22 severe disease once infected because these medications suppress their own steroid
23 response to infection.” *Id.*

25 Additionally, Mr. Anderson could be at higher risk because he is borderline
26 diabetic. The illness is more severe for individuals with diabetes. *Id.* He is borderline
27

2:21-cv-00514-APG-EJY

A-19-795566-C

1 diabetic due to his obesity, which also increases his risk of severe illness from COVID-
 2 19. See "People of Any Age with Underlying Medical Conditions," U.S. Centers for
 3 Disease Control and Prevention, *available at* https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html#obesity
 4 (last visited July 7, 2020). Finally, Mr. Anderson is African American, and the CDC
 5 recognizes that "[l]ong-standing systemic health and social inequities have put some
 6 members of racial and ethnic minority groups at increased risk of getting COVID-19
 7 or experiencing severe illness, regardless of age." See "COVID-19 in Racial and Ethnic
 8 Minority Groups," U.S. Centers for Disease Control and Prevention, *available at*
 9 <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/racial-ethnic-minorities.html> (last visited July 7, 2020). Based on Mr. Anderson's medical issues,
 10 he has an increased risk of developing a severe illness.

15 **B. Substantial question of law with a clear case on the merits**

16 The issue in the petition is obviously substantial. The novel question in the
 17 petition is whether the heightened and inexorable danger of death or serious illness
 18 from the COVID-19 virus while in prison represents a cruel, unusual and
 19 disproportionate punishment in violation of the State and Federal Constitutions. As
 20 shown above, the pandemic is an extraordinary circumstance creating new challenges
 21 for our society to address. One of those is the inevitable outbreak of the virus in
 22 prisons, where the danger of spread is heightened due to the nature of incarceration.
 23 The danger represents an additional punishment, raising serious constitutional
 24 questions.

25 Mr. Anderson has a clear case on the merits of this issue. The Eighth
 26 Amendment provides: "Excessive bail shall not be required, nor excessive fines
 27 imposed, nor cruel and unusual punishments inflicted." Under this provision, a

2:21-cv-00514-APG-EJY

A 19-795566-C

1 "sanction imposed cannot be so totally without penological justification that it results
2 in the gratuitous infliction of suffering." *Gregg v. Georgia*, 428 U.S. 153, 182-83
3 (1976). Therefore, once a judge or a jury has determined the appropriate punishment
4 for a crime, additional punishment for the same crime would violate the Eighth
5 Amendment. *Cf. Foster v. Florida*, 537 U.S. 990, 993 (2002) (Breyer, J., dissenting
6 from denial of certiorari) (discussing Eighth Amendment problem presented by
7 inmate suffering "more than a generation spent in death row's twilight" in addition
8 to death sentence); *Lackey v. Texas*, 514 U.S. 1045 (1995) (Stevens, J., memorandum
9 respecting denial of certiorari). The Nevada Constitution also prohibits "cruel or
10 unusual" punishment. *See* Nev. Const. art. 1, § 6. By its very terms, the state
11 constitutional protection, written in the conjunctive, would appear to be broader than
12 its federal counterpart.

13 A sentence also violates the Eighth Amendment if it is grossly disproportionate
14 to the crime. *Harmelin v. Michigan*, 501 U.S. 957, 1001 (1991); *Solem v. Helm*, 463
15 U.S. 277, 296-97 (1983).

16 Mr. Anderson is already serving the sentence that has been deemed
17 appropriate and constitutional. It is the sentence imposed by the judge and reflected
18 in the judgment. However, because of the current global pandemic, he is facing
19 additional, unjustified punishment, namely the threat of death or serious illness and
20 the extreme anguish of having the inability to prevent contracting the virus. Mr.
21 Anderson was not convicted of a crime for which death or serious illness is a
22 justifiable punishment.

23 Inmates face the ever-present risk and attendant fear that they will be exposed
24 to and contract the virus. Their risk is greater than that of the general public. There
25 is an additional risk and fear for an individual like Mr. Anderson who is particularly
26 vulnerable to the virus due to his health condition. The prison environment creates
27 an existential and ongoing threat to inmates for which there are insufficient

2:21-cv-00514-APG-EJY

4-19-795566-C

1 mitigation measures to prevent spread. The result of contagion and serious illness is
2 unconscionable for an inmate such as Mr. Anderson who is approaching his release
3 date and was not convicted of one of the more serious felonies. *See* NRS 207.012(2)
4 (Mr. Anderson's conviction is not listed among serious felonies for which habitual
5 treatment is non-discretionary). The virus will interfere with his legitimate
6 expectation that he will complete his term of incarceration and be released. The
7 situation here is unprecedented and exceptional.

8 These circumstances constitute a separate and disproportionate punishment
9 from the originally imposed incarceration. The Supreme Court has recognized that a
10 prisoner can face punishment beyond an imposed sentence due circumstances of the
11 incarceration. *See In re Medley*, 134 U.S. 160, 171 (1890) (recognizing time spent in
12 solitary confinement awaiting execution as "an additional punishment of the most
13 important and painful character"); *cf. Davis v. Ayala*, 135 S. Ct. 2187, 2209 (2015)
14 (Kennedy, J., concurring) (discussing years in solitary confinement as an "added
15 punishment").

16 First, Mr. Anderson faces an added punishment because prisoners are
17 confronted with an unprecedented health risk that could result in severe
18 consequences, including death. Mr. Anderson was not sentenced to death. Such a
19 sentence would not be justified and clearly would be disproportionate. *See, e.g.*,
20 *Enmund v. Fla.*, 458 U.S. 782, 797 (1982). The second factor of the punishment is the
21 fear attendant with the high risk to Mr. Anderson's health, which is amplified by his
22 lack of control and inability to protect himself from the virus. He faces extreme
23 uncertainty as to his fate. *Cf. In re Medley*, 134 U.S. 160, 172 (1890) ("[W]hen a
24 prisoner sentenced by a court to death is confined in the penitentiary awaiting the
25 execution of the sentence, one of the most horrible feelings to which he can be
26 subjected during that time is the uncertainty during the whole of it."); *Glossip v.*
27 *Grass*, 135 S. Ct. 2726, 2765 (2015) (Breyer, J., dissenting) ("The dehumanizing effect

2:21-cv-00514-APG-EJY

A-19-795566-C

1 of solitary confinement is aggravated by uncertainty as to whether a death sentence
 2 will in fact be carried out.”).

3 There can be no penological justification for this additional punishment. The
 4 judge who sentenced him already weighed the appropriate sentence that was justified
 5 by the crimes. Mr. Anderson has done nothing to allow the additional punishment
 6 they now face. Incarceration under these circumstances results in excessive and
 7 disproportionate punishment.

8 Continued incarceration of Mr. Anderson given the risk to his health and life,
 9 beyond prison officials’ ability to prevent, and the mental anguish that results “is
 10 nothing more than the purposeless and needless imposition of pain and suffering and
 11 hence an unconstitutional punishment.” *Atkins v. Virginia*, 536 U.S. 304, 319 (2002)
 12 (internal quotation marks and citation omitted). It therefore violates the Eighth
 13 Amendment.

14 This claim is appropriately brought in a habeas petition. The situation here is
 15 exceptional. The COVID-19 pandemic is a new punishment to incarcerated
 16 individuals. The virus is an existential threat in prison beyond prison officials’ ability
 17 to stop. The prison environment, on its own, no matter what mitigating steps prison
 18 officials may take, is creating the new punishment. It is the nature and fact of
 19 incarceration that is creating the new punishment. Thus, the issue here is not about
 20 prison officials’ failure to protect an inmate from a harm. In this regard it is
 21 distinguishable from those cases that bars prison administration issues from
 22 litigation in habeas petitions. *See, e.g., Bowen v. Warden*, 100 Nev. 489, 490, 686 P.2d
 23 250, 250 (1984) (holding that challenges to conditions of confinement cannot be raised
 24 in a habeas corpus petition). To the contrary, the ongoing danger from the virus goes
 25 straight to the question of the legality of continuing confinement in the face of that
 26 threat. *Cf. Director, Nev. Dep’t of Prisons v. Arndt*, 98 Nev. 84, 86, 640 P.2d 1318,
 27 1319 (1982) (observing that this court has “consistently held that use of the

2:21-cv-00514-APG-EJY
A-19-795566-C

1 extraordinary writ [of habeas corpus] is warranted only to challenge present custody
2 or restraint and the legality of that confinement".

3 Once again, the constitutional violations are acute for those, like Mr. Anderson,
4 who have been convicted of less serious felonies and have an upcoming release date.
5 He has a legitimate expectation of release from prison. It is inequitable to fail to
6 remedy the continuing harm to petitioners who face the danger of dying or serious
7 illness so close to their eligibility for release.

8 This establishes a clear case on the merits of the constitutional claim.

9 **C. There are no procedural issues with the petition**

10 Preliminarily, the petition was filed in the proper jurisdiction. The petition
11 challenges the constitutionality of the judgment of conviction and sentence and it was
12 filed in the judicial district in which the judgment was entered.

13 The petition is also not procedurally barred. To be sure, the petition is both
14 successive and filed outside the relevant one-year time period. But Mr. Anderson
15 clearly has good cause for filing this petition now. The claim is based on newly
16 discovered evidence. The legal claim is that Mr. Anderson is facing a new punishment
17 as a result of the coronavirus pandemic. The virus was first detected in the Wuhan
18 province of China in December 2019. WHO Timeline – COVID-19, *available at*
19 <https://bit.ly/2YemGIA> (last visited June 19, 2020). The first known case of the virus
20 in the United States was January 21, 2020. Erin Schumaker, "Timeline: How
21 coronavirus got started," ABC News (April 23, 2020), *available at*
22 <https://abcn.ws/2Cp2UeE> (last visited June 19, 2020). The first known case of the
23 virus in Nevada was February 24, 2020. *See* Southern Nevada Health District
24 COVID-19 dashboard, *available at* <https://bit.ly/2V0ZncM> (last visited June 19,
25 2020). The claim has been brought within one year of the discovery of the factual
26 predicate of the claim, which could not have been discovered previously through the
27 exercise of due diligence. *See Rippo v. State*, 131 Nev. 95, 110-11, 368 P.3d 729, 739-

2:21-CV-00514-APG-EJY

1 40 (2016). Furthermore, Mr. Anderson can establish prejudice for the reasons
2 discussed in subsection B.

3 **D. Mr. Anderson is a good candidate for release**

4 Mr. Anderson is a good candidate for release as he is within 14 months of his
5 September 1, 2021 release date, committed a non-serious felony, and has a release
6 plan. As fully explained by Tammy Smith in her Declaration, attached as Exhibit 3
7 to the petition, Mr. Anderson would move in with his mother, Doris Anderson, if
8 released. Ms. Anderson has owned her home in Las Vegas for 17 years and would
9 welcome her son into her home. Mr. Anderson's sister, Sharon Anderson, would also
10 support Mr. Anderson upon his release by providing transportation, financial
11 assistance, and emotional support.

12 The extraordinary circumstances justify that this motion be granted and that
13 reasonable bail be set so that Mr. Anderson can be released.

14 **E. Conclusion**

15 ~~Respectfully submitted, Hereto, Mr. Anderson's motion for release and/or bail~~
16 ~~pending the decision on his petition should be granted.~~

17 Dated July 17, 2020.

18 Respectfully submitted,

19 [REDACTED]
20 [REDACTED]

21 [REDACTED]
22 [REDACTED]
23 A [REDACTED]
24 [REDACTED]

25
26
27

2:21-CV-00514-APG-EJy

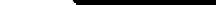
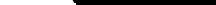
CERTIFICATE OF SERVICE

I hereby certify that on July 17, 2020, I electronically filed the foregoing with the Clerk of the Eighth Judicial District by using the Court's electronic filing system.

4 Participants in the case who are registered users in the electronic filing
5 system will be served by the system and include: Steven B. Wolfson,
6 Steven_Wolfson@clarkcountyda.com, Motions@clarkcountyda.com.

7 I further certify that some of the participants in the case are not registered
8 electronic filing system users. I have mailed the foregoing document by First-Class
9 Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for
10 delivery within three calendar days, to the following person:

11 Anthony Anderson
12 No. 1082999
13 Southern Desert Correctional Center
14 PO Box 208
15 Indian Springs, NV 89070

15 
16 

17

18

19

80

91

22

10

1

20

20

44

Anthony K. ANDERSON
Plaintiff

VS.

State of NEVADA
Department of Corrections

Dir of Prison
James Dzurenda et.al.

Weston
Jerry Howell et. al.

Dr. Henry Lansdown

Sonya Carrillo
Defendant's

① District Court
Clark County, NEVADA

U.S. Dist. # 2:21-cv-00514-APG-EJY
Case # A-19-495566-C

Dept # XI

Newly Discovered

- #1 Declaration of Dr. Karen Gordan
- #2 Experience of Dr. Karen Gordan
- #3 Subpoena - Civil DUCES TECUM

INDEX OF EXHIBITS IN SUPPORT
OF Newly Discovered

Claims #1 #2 AND THE FACTS

FOUND HERE. IN THE PRISON
Health Care System DEFICIENT

IN VIOLATION OF Plaintiff CONSTITUTIONAL RIGHTS
Pursuant To A.D.A 42 USC. §§ 12101-12213

Newly Discovered
INDEX OF EXHIBITS

#1 DR Karen Gedney

#2 EXPERIENCE DR Gedney

#3 Subpoena Civil DUCES TECUM

No.	DATE	DOCUMENT	COURT	CASE #
1. 06/09/2020		Declaration of Dr. Karen Gedney	N/A	N/A
2. (undated)		Curriculum Vitae of Karen Gedney	N/A	N/A
3. 07/07/2020		Declaration of Tammy R. Smith Regarding Doris Anderson		

DATED July 9, 2020.

Respectfully Submitted,

Rene L. Valladares
Federal Public Defender

/s/ Megan Hopper-Rebegea
MEGAN HOPPER-REBEGEA
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2020, I electronically filed the foregoing with the Clerk of the Eighth Judicial District by using the Court's electronic filing system.

Participants in the case who are registered users in the electronic filing system will be served by the system and include: Steven B. Wolfson, Steven_Wolfson@clarkcountyda.com, Motions@clarkcountyda.com.

I further certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third party commercial carrier for delivery within three calendar days, to the following person:

11 Anthony Anderson
12 No. 1082999
13 Southern Desert Correctional Center
14 PO Box 208.
Indian Springs, NV 89070

/s/ Adam Dunn
An Employee of the Federal Public
Defender, District of Nevada

Declaration of Dr. Karen Gedney

1. I am a doctor licensed to practice in the State of Nevada.
2. I worked at the Nevada Department of Corrections for 30 years. I retired as a senior physician and before that was the chief resident for the Internal Medicine Program at the University of Nevada Medical Program. As a result, I have extensive experience working with vulnerable populations, in particular the incarcerated.
3. After retiring from the Nevada Department of Corrections, I founded DRG Consulting, LLC, for which I am the sole proprietor. I give presentations on holistic prison reform and have spoken at universities, correctional associations, community service groups, political groups, and book clubs, etc.
4. I blog about issues related to prisons in newspapers and many of my blogs are available on my website, DiscoverDrG.com,
5. I'm a board member of The Ridge House, which is a non-profit organization whose mission is to help individuals involved with the criminal justice system with residential housing as well as wrap around medical and psychological services.
6. I submit this Declaration in support of NDOC inmates seeking release during the COVID-19 pandemic.
7. When I first started my career at NDOC in 1987, I battled a different virus, HIV. HIV killed many young men before drugs were discovered that work. COVID-19 has the potential and be more dangerous. Unlike HIV, medical and custody staff can bring COVID-19 into their homes and community thru casual contact.
8. Prisons are more susceptible to the spread of the highly contagious, novel COVI-19. Due to the nature of incarceration, the steps the rest of society can take to slow the spread of the disease are simply not possible in prisons.
9. Social distancing is not possible in prison, where 120 men sleep in one room, share 10 toilets, one urinal, and 12 showers, assuming they are all working, which is rare.
10. The prison can promote washing hands, but many inmates will not be able to afford their own soap. While NDOC is now providing soap at every facility for free, the bar of soap the prison provided when I worked there was three inches long, and less than two nickels thick. For the amount of hand washing necessary, it won't last long.
11. Inmate sanitation teams can use bleach to clean surfaces, but bleach is a popular commodity in prison and may ended up being sold instead of used for cleaning. Similarly, hand sanitizer is a necessary tool, but it was banned when I

EXHIBIT 1

EXHIBIT 1

worked for NDOC because of the high alcohol content and the concern that inmates would drink it, not use it for its intended purpose.

12. COVID-19 affects older populations more severely. Incarcerated men and women are 10 years older than their chronological age because of their lifestyle choices. The inmate population overall has more heart and lung problems.

13. Stress, poor nutrition, and lack of quality sleep are common in prison and they all affect the inmates' ability to fight the virus.

14. The NDOC does not have the resources necessary if there is an outbreak. Each prison only has a limited number of medical beds. The Northern Nevada Correctional Center, where I worked, is the only institution with a regional medical facility. It has 60 medical beds and 60 psychiatric beds for a state population of 13,000 inmates. There is no ability at any institution to take care of inmates who need a ventilator or ICU care. Any inmate who needs that type of care must be sent to an outside hospital with usually two custody officers in attendance.

15. While the NDOC has recently begun widespread testing, the results of that testing won't be known until a significant portion of the inmate population is tested. Given the delay in undergoing such widespread testing, the results are likely to reveal multiple positive tests across several, if not all, institutions. Thus, it's possible an initial outbreak may just be beginning.

16. The only real way to mitigate the spread of the disease within the prison to inmates and staff alike is to decrease the number of incarcerated individuals.

I declare under penalty of perjury that the forgoing statement is true. This statement was executed in Carson City, Nevada on June 9, 2020.


Karen Gedney, MD

EXHIBIT 2

EXHIBIT 2

Karen Gedney MD
karen@discoverdrg.com
775-720-8611

EXPERIENCE

Consultant for DRG Consulting, LLC, author, speaker	2017-present
Senior Physician Nevada Department of Corrections	1987-2016
Chief Resident, University of Nevada Reno	1986-1987
Microbiology Supervisor, Los Gatos Labs, California	1979-1980

EDUCATION

M.D.	Board Certified Internal Medicine	2010, 2000, 1990
M.D.	Board Certified Anti-aging and Regenerative Medicine	2017
M.D.	University of Cincinnati Medical School	1980-1984
B.A.	Clark University, Massachusetts	1975-1979

AWARDS

Service to Society Award, Clark University, MA	2019
Best in the Business, American Correctional Association	2002
Nevada Heroes for Humanity Award	2000
National Health Service Corps Directors Award	1991
Director's Award, Nevada Department of Corrections	1990

PUBLICATIONS

Memoir, '30 Years Behind Bars,' Trials of a Prison Doctor	2017
--	-------------

AFFILIATIONS

Board Member of The Ridge House, Transitional housing and wrap around psych and medical services for formerly incarcerated	2017-present
Mentor for Big Brother Big Sister Organization	2010-present
Advisor for Carson Tahoe Hospital Tumor Board	2009-present

EXPERTISE

Medical Expert in Court Cases

30 years of experience in testifying in court for the Nevada Attorney General's Office

Speaker

Presenter on issues related to prison reform.

Presenter on HIV and hepatitis in the past for Bristol Myers Squibb, Boehringer Ingelheim, Vertex and Gilead.

Teacher

Instructor for continuing medical education for medical and custody staff in the Nevada Department of Corrections.

Precepted physician assistants and nurse practitioners in the Nevada Department of Corrections.

Developed and taught substance abuse and life skill courses to the inmates in the Nevada Department of Corrections as a volunteer.

For more information check out

www.discoverdrg.com

www.linkedin.com/in/karen-gedney-md-dr-g-4314a497

Declaratory

E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

#1 Declaratory Judgment a Formal proclamation
of Reinstatement of all lost work Days Due
To not working as a result of (Kiyutis Disease)
Starting From Oct 13th 2013, Causing a Recalculation
of the lost 72 Days a year Due To S.D.C.C.
Not Allowing Plaintiff to work But in Return
Extorts 72 Days a year For not working AND "Full Medical
Dental And Vision SSI Prepared" By S.D.C.C.

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Anthony Kenneth Anderson
(Name of Person who prepared or helped
prepare this complaint if not Plaintiff)

Anthony Kenneth Anderson
(Signature of Plaintiff)
May 5th 2021
5-5-2021
(Date)

(Additional space if needed; identify what is being continued)

SEE Request for mandatory relief
NEXT Page

Monetary

D. REQUEST FOR RELIEF

I believe I am entitled to the following relief:

#2) Just Compensation

For Claims #1 through #4 without
Junctive Damages Ten Million US Dollars
\$ 10,000,000⁰⁰ Plaintiff is open for
Negotiable instrument a Non-Disclosure
Settlement offer including Conditional promise
in order to pay a Specified sum of Money's
under the color of law in good faith with Good cause shown

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

Mr Anthony Kenneth Anderson
(name of person who prepared or helped
prepare this complaint if not the plaintiff)

Anthony Kenneth Anderson
(signature of plaintiff)

5-5-2021

(date)

May 5th 2021

c) The case was dismissed because it was found to be (check one): frivolous
 malicious or failed to state a claim upon which relief could be granted.

d) Issues raised: Successive 9th Circuit Granted
The Successive Petition (COA)

e) Approximate date it was filed: December 19, 2016

f) Approximate date of disposition: Oct 2019

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: State of NEV N.D.O.C Medical Dept

b) Name of court and case number: 2:14 CV 1610 - APG - CWA

c) The case was dismissed because it was found to be (check one): frivolous
 malicious or failed to state a claim upon which relief could be granted.

d) Issues raised: N.D.O.C Failed To Supply Adequ
Two Truly Health Care From Oct 13 2013 until 2017

e) Approximate date it was filed: Winter/Spring 2014

f) Approximate date of disposition: Summer 2014

3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? Yes No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a: (1) disciplinary hearing; (2) state or federal court decision; (3) state or federal law or regulation; (4) parole board decision; or (5) other Requested Civil Case Disposition # A-19-79566-C
If your answer is "Yes", provide the following information. Grievance Number # 2006309164
20063095454
Date and institution where grievance was filed Southern Detent C.I.N.

Response to grievance: Grievance Coordinator B Gutierrez
AND M. MINEV Change The Subject Matter
OF Both Grievances AND NEVER Address Plaintiff Issues.
(while Rule 60(b) of # A-19-79566-C was pending
Plaintiff Filed Notice of Removal at [1-1])

9) Have you filed other actions in state or federal courts involving the same or similar facts as involved in this action? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If more than one, describe the others on an additional page answering the following questions.)

a) Defendants: State of NEV. 8th District Courts

b) Name of court and docket number: 45 District Court # 2:12-CV-0167-MHD

c) Disposition (for example, was the case dismissed, appealed or is it still pending?):
DISMISSED Heck v. Humphre, ISSUE'S
unconstitutional conviction False
In prison yet witness's against he were
not Credable

d) Issues raised: unconstitutional conviction False
In prison yet witness's against he were
not Credable

e) Approximate date it was filed: Summer 2012

f) Approximate date of disposition: fall 2012

10) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? Circle one: Yes or No. If your answer is "Yes," describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page answering the following questions.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: State of NEV. N.D.O.C. Medical Dept

b) Name of court and case number: 2:13-CV-02334-JCH

c) The case was dismissed because it was found to be (circle one): (1) frivolous;
 (2) malicious; or (3) failed to state a claim upon which relief could be granted.

d) Issues raised: Medical Issues
No Medication For Ill-Needs
AFTER Tumor Removed Surgery

e) Approximate date it was filed: 2013

f) Approximate date of disposition: 2013

outline).

a) Defendants: Brain williams, Tonyo travas, Dwight NEWEN, Rebecca Kozloff, Francisco Sanchez

b) Name of court and docket number: District # A-17-761357-C [sc 78061]

c) Disposition (for example, was the case dismissed, appealed or is it still pending):
Appealed plaintiff NEVER received His Day in court

d) Issues raised: (sat Kozloff) Not medical staff refused plaintiff Health care stating back pain doesn't constitute an emergency without tumor knowledge Delay and denial of adequate timely Health care

e) Approximate date it was filed: Some Time in 2014

f) Approximate date of disposition: N.D.O.C. Court NEVER allow Discovery [S.D.C.C] Has 3 attorneys: Randall Gilmer, Frank Tedder II, Matthew Feely against plaintiff standing alone

2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted?

Yes _____ No. If your answer is "Yes", describe each lawsuit. (If you had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline.)

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: State of Nev Dept of Corrections

b) Name of court and case number: 2:13-cv-716-APG-VCT

c) The case was dismissed because it was found to be (check one): _____ frivolous _____ malicious or _____ failed to state a claim upon which relief could be granted.

d) Issues raised: Residential Continue Rent Time under NRS 209-4465 432. Days not Granted

e) Approximate date it was filed: 2013

f) Approximate date of disposition: mid Summer 2013

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim: N/A

a) Defendants: State of Nevada (Brain williams et al)

b) Name of court and case number: 2:16-cv-2215-APG-Pal

1
2
3
4 CERTIFICATE OF SERVICE

5 I, Anthony Kenneth Anderson, hereby certify that I am the
6 Petitioner in this matter and I am representing myself *in propria persona*.

7 On this 5th day of May, 2021, I served copies of
8 the Clerk of United States District Court, District of Nev.
333 Las Vegas Blvds So-74 1334 Las Vegas Nev 89101,
9 in Case No. 00514-APG-EJY, and placed said document(s) in the United States
10 Mail, first-class postage prepaid, addressed as follows:

11 Clerk of Court
12 U.S. Dist Court Dist of Nev.
Lloyd D. George U.S. Courthouse
333 Las Vegas Blvd So-74 1334
Las Vegas Nev. 89101

13
14
15
16
17
18 DECLARATION UNDER PENALTY OF PERJURY

19 The undersigned declares under penalty of perjury that he is the Petitioner in the
20 above-entitled action, and he has read this Certificate of Service and the information
21 contained therein is true and correct.

22 Executed pursuant to 28 U.S.C. § 1746 and 18 U.S.C. § 1621 at

23 Southern Desert C.T.N. on this 5th day of
24 May, 2021.

25
26
27 Anthony K. Anderson
28 NDOC No. 1082999

Petitioner – *In Propria Persona*